

Digitized by the Internet Archive
in 2011 with funding from
CARLI: Consortium of Academic and Research Libraries in Illinois

348.02
LHI Q
24
354.27
2

ILLINOIS STATE LIBRARY

JUN 30 2000

ILLINOIS DOCUMENTS

2000

ILLINOIS

REGISTER RULES OF GOVERNMENTAL AGENCIES



Volume 24, Issue 27

June 30, 2000

Pages 8,658 – 9,299

Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017
<http://www.sos.state.il.us>



Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 2000

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 27, 1999	January 7, 2000	Issue 28	June 26	July 7
Issue 2	January 4, 2000*	January 14	Issue 29	July 3	July 14
Issue 3	January 10	January 21	Issue 30	July 10	July 21
Issue 4	January 18*	January 28	Issue 31	July 17	July 28
Issue 5	January 24	February 4	Issue 32	July 24	August 4
Issue 6	January 31	February 14**	Issue 33	July 31	August 11
Issue 7	February 7	February 18	Issue 34	August 7	August 18
Issue 8	February 14	February 25	Issue 35	August 14	August 25
Issue 9	February 22*	March 3	Issue 36	August 21	September 1
Issue 10	February 28	March 10	Issue 37	August 28	September 8
Issue 11	March 6	March 17	Issue 38	September 5*	September 15
Issue 12	March 13	March 24	Issue 39	September 11	September 22
Issue 13	March 15	March 26	Issue 40	September 18	September 29
Issue 14	March 20	March 31	Issue 41	September 25	October 6
Issue 15	March 27	April 7	Issue 42	October 2	October 13
Issue 16	April 3	April 14	Issue 44	October 10*	October 20
Issue 17	April 10	April 21	Issue 43	October 16	October 27
Issue 18	April 17	April 28	Issue 44	October 23	November 3
Issue 19	April 24	May 5	Issue 45	October 30	November 13**
Issue 20	May 1	May 12	Issue 46	November 6	November 17
Issue 21	May 8	May 19	Issue 47	November 13	November 27 **
Issue 22	May 15	May 26	Issue 48	November 20	December 1
Issue 23	May 22	June 2	Issue 49	November 27	December 8
Issue 24	May 30*	June 9	Issue 50	December 4	December 15
Issue 25	June 5	June 16	Issue 51	December 11	December 22
Issue 26	June 12	June 23	Issue 52	December 18	December 29
Issue 27	June 19	June 30	Issue 1	December 26*	January 5, 2001

* Tuesday 12 noon deadline following a state holiday.

** Monday publication date following a state holiday.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Corridors of Opportunity Program

2) Code Citation: 14 Ill. Adm. Code 630

3) Section Numbers: Proposed Action:

630.10 Repealer

630.20 Repealer

630.30 Repealer

630.40 Repealer

630.50 Repealer

4) Statutory Authority: Implementing the Corridors of Opportunity and Development Act (20 ILCS 610) and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-95].

5) A Complete Description of the Subjects and Issues Involved: These rules pertain to the encouraged and supported regional cooperation in economic development planning by providing opportunities for matching grants. The program has not received funding for the past 5 years, and consequently has not had the rules updated. The repealer is in the public interest because the rules are obsolete and the program is no longer being funded. Funding for this program is not anticipated in future years.

6) Will these repealers replace emergency repealers currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed repealers contain incorporations by reference? No

9) Are there any repealers pending on this part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].

11) Time, place and manner in which interested persons may comment on this proposed rulemaking:

Ms. Rava Bogard
Illinois Administrative Code Rules Manager
Office of General Counsel
Department of Commerce and Community Affairs
620 East Adams Street, 1st Floor
Springfield, Illinois 62701
(217) 785-6285

12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

A) Types of small businesses and small municipalities affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: This rulemaking was not anticipated.

The full text of the Proposed Repealer begins on the next page.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

TITLE 14: COMMERCE

SUBTITLE C: ECONOMIC DEVELOPMENT

CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 630

CORRIDORS OF OPPORTUNITY PROGRAM (REPEALED)

Section	Purpose
630.10	Program Requirements
630.20	Application Process
630.30	Administrative Requirements
630.40	Incorporation by Reference

AUTHORITY: Implementing the Corridors of Opportunity and Development Act (Ill. Rev. Stat. 1987, ch. 127, pars. 3401 et seq.) and authorized by Section 46.42 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 46.42).

SOURCE: Emergency rules at 10 Ill. Reg. 16720, effective September 24, 1986, for a maximum of 150 days; modified at 11 Ill. Reg. 3382, effective February 3, 1987, (does not extend the 150 day time limit of the original rulemaking); adopted at 11 Ill. Reg. 3309, effective March 19, 1987; amended at 13 Ill. Reg. 4164, effective March 16, 1989; repealed at 24 Ill. Reg. _____, effective _____.

Section 630.10 Purpose

Recognizing that regions of the state offer unique opportunities for economic growth and that *regional corridors of opportunity can only be developed through regional cooperation*, the Corridors of Opportunity and Development Act (Act) (P.A. 84-1393, effective September 18, 1986) establishes a program which encourages and supports such regional cooperation. Under the Corridors of Opportunity Program (Program), geographic areas may receive matching grants for the purpose of structuring and implementing development strategies for their corridors of opportunity. This Part serves to establish guidelines governing the Department of Commerce and Community Affairs' (Department) administration of the Program.

Section 630.20 Program Requirements

- a) Eligible Grantees - Municipal corridor councils (in cities with a population in excess of 1,000,000) and regional (e.g., multi-county, multi-municipality) corridor councils, as defined in Section 3 of the Act, are eligible to apply for and receive funds under this Program.
- b) Allowable Activities - Activities which may be supported with Program funds include, but are not limited to, feasibility studies, marketing plans, and promotional materials which assist a corridor council with

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

structuring and implementing development strategies, in accordance with Section 4(2) and 4(3) of the Act. Approved activities become the Scope of Work in the grant agreement. Sound planning provides the basis for a successful corridor development strategy. As such, grantees are required to provide for this expertise (e.g., through in-house staff or cooperative efforts with a regional planning agency).

- c) Program Match - Program match shall consist of matching funds and/or in-kind contributions. These local resources shall be directly related to the proposed corridor program activities. Eligible grantees shall provide program match as follows:

- 1) In accordance with Section 4 (2)(a) of the Act, municipal corridor councils are required to provide program match. The required level of match is 50 percent of program grant funds.
- 2) In accordance with Section 4 (3) of the Act, regional corridor councils' required level of match will be determined on a case by case basis. Each individual regional corridor council's required level of match will be dependent on such factors as the needs for complementary resources, ability to contribute to the program, etc.
- 3) Match contributions shall meet all of the following criteria:
 - A) Cash match may be from private or public sources; however State General Revenue funds cannot be used as cash match;
 - B) be within the parameters of the Scope of Work;
 - C) cash or in-kind match which is comprised of personal services must be supported by individual monthly time records of services rendered and/or detailed documentation of all other applicable, direct, and indirect costs of the program; and
 - D) not be a general expense incurred by the grantee in carrying out overall responsibilities other than those required under this program.

- 4) The grantee shall expend cash matching funds or accumulate in-kind matching funds at the same rate that it is making disbursements from State of Illinois grant funds.

Section 630.30 Application Process

- a) The Department will supply interested persons with an application package upon request. The deadlines for submitting applications for program funds are as follows:

- 1) During the initial program year (state fiscal year 1987), applications are due no later than October 1, 1986 or February 15, 1987. The October 1, 1986 deadline is for councils which are organized and able to formulate a proposal by the initial application deadline. The February 15, 1987 application deadline provides councils organizing later in the program year an opportunity to receive Program funds. Although a council

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

receiving funding during the initial application cycle (October 1, 1986) may also apply for additional funds during the second cycle (February 15, 1987), priority will be given to applications for newly organized regional corridors.

- 2) In each subsequent fiscal year, applications will be similarly due no later than October 1 and February 15.

- b) An application for Program funds must include the following information:

- 1) Corridor Council - the name of the council and information regarding whom to contact concerning the application; membership of the council, which includes names of all members and any group or organization represented by such members; and an explanation of the council's organizational structure.

- 2) Statement of Activities - identification of corridor activities to be supported with Program funds for a one year period; end products or results expected; if applicable, description of arrangement for a not-for-profit corporation or the Department to conduct some or all of the proposed activities as provided in Section 4(2) of the Act; description of staff resources to perform work activities; and identification of local resources, both financial and non-financial, to serve as Program Match.

- 3) Budget - itemization of total Program costs, including funds requested and any Program Match, for a one year time period; if applicable, identify any Program funds to be received and expended by a not-for-profit corporation.

- c) All applicants must meet the following conditions to be considered for funding:

- 1) the applicant is a corridor council as defined in Section 3(2) of the Act;

- 2) corridor activities will be a cooperative, regional effort (counties, cities, business, labor and various groups and organizations working together to structure and implement the corridor development strategy) in accordance with Section 2 of the Act;

- 3) proposed activities promote economic development for a corridor of opportunity, as defined in Section 3(1) of the Act; and

- 4) the Program Match satisfies the requirements of Section 630.20(c).

- d) All criteria specified in subsection (c) must be met to receive Program consideration. Additionally, Department staff will review applications and select proposed corridor programs that best meet the following criteria:

- 1) the application provides all information required in subsections (b)(1), (2), and (3);
- 2) proposed activities as described in Section 630.20(b) which fulfill the purpose of the Act and can be completed and produce anticipated results within the one year time period;
- 3) funding of application will achieve, to the extent practical, a

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

statewide geographic balance in the distribution of the funds in accordance with Section 4(2) of the Act; and

- 4) a higher priority will be given to funding to those proposed corridor programs that pledge more than 50 percent of the Departmental funds requested and that pledge matching funds rather than in-kind contributions.

- e) The Department shall reject those applications that are not regional (see Section 630.20(a)) in nature and that do not meet the objectives (see Section 630.20(b)) of the Act.

- f) The Department will notify applicants in writing of their funding status within 45 days of the submittal of the application (subsection (a)).

Section 630.40 Administrative Requirements

- a) Use of Funds - Use of funds are subject to the following provisions:

- 1) In accordance with Section 4(4) and 5(3) of the Act, up to 3% of the Program funds may be used for program administration by each the Department and the eligible grantee (applicant receiving funds under this Program).

- 2) If the grantee makes expenditures with grant funds that do not conform to the Scope of Work, the Department shall withhold any further funding hereunder, unless the grantee submits a revised Scope of Work and budget, as set forth in subsections (3) and (4). The Department will grant approval to modify budgeted amounts and Scope of Work when the modification is necessary to achieve program objectives or will result in greater program efficiencies. If the Department refuses to approve a revised Scope of Work and budget which would allow such expenditures, the grantee shall repay to the Department all funds expended contrary to the Scope of Work and budget.

- 3) If the grantee has reason to believe that it will vary from the amounts budgeted by program activity by more than 5% of the total budget, it shall request approval of the Department in writing prior to the anticipated variation. Said request shall give the reasons for the anticipated variation, whether the total grant shall be completed within the limits of the budget, and the suggested corrective action. In no event shall the grantee make any change in program activity amount which increases the total budget. Failure of the grantee to request approval of the Department of anticipated budget variations in excess of 5% shall be deemed sufficient reason for the Department to disallow costs incurred at more than the amount budgeted for the program activity set forth in the budget. Such costs may be disallowed even if the total costs incurred are within the limits of the total grant budget. The grantee must provide documentation that it can not meet the cost of an activity without additional funds and that funds may be transferred from another activity without

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

adversely affecting the project. If the Department approves the budget revision, the Department shall give the grantee a revised cost summary incorporating the change.

- 4) The grantee may incur costs in excess of a particular line item of up to a maximum of 5% (cumulative) of the total approved budget without prior written approval subject to the following conditions:

- A) In no instance will the grantee be compensated for more than the total grant amount;
- B) Modifications that add or delete activities (regardless of the dollar amount) must have prior written approval from the Department (see subsection (a)(2)); and
- C) This type of line item transfer (3%) does not change the total approved budget. The line item budget changes only when a modification is submitted and approved (see subsection (a)(2)).

b) Method of Compensation

Payments to a grantee are subject to the availability of funds appropriated by the General Assembly and evidence of the availability of matching funds (i.e., letters of commitment from sources of match).

- 1) Payments to the grantee are subject to the initiation of a payment request form (invoice voucher) which must be submitted bimonthly (every two months). The first payment for program initiation may be an advance for the first two months' cash needs. Thereafter, the payments are dual purpose in that they will be sufficient to cover the expenditures to date as well as the cash needs of the grantee for the next period, in accordance with the grantee's budget.

- 2) The grantee shall repay the Department for any funds that are determined by the Department through monitoring (subsection (e)) and the audit (subsection (g)) to have been expended in violation of the grant document.

- 3) The final report or the audit report must be accompanied by any overpayment of grant funds (unliquidated balance at the end of the grant period).

- c) Reporting - The grantee must submit the following reports to the Department:

- 1) bimonthly expenditure summary reports (within fifteen (15) calendar days after the end of applicable month);
- 2) bimonthly itemization of match reports (within fifteen (15) calendar days after the end of applicable month);
- 3) bimonthly activity reports (within fifteen (15) calendar days after end of applicable month);
- 4) close out final activity report (within forty-five (45) calendar days after end of grant period);
- 5) close out final summary of expenditure and itemization of match reports (within forty-five (45) calendar days after end of grant period);

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

- 6) final completion report (within ninety (90) calendar days after the expiration of the grant period). The final report will outline the accomplishments/results of activities funded under the grant as compared to proposed activities and anticipated results specified in the grant document. The Department reserves the right to request additional information to further clarify or document activities and accomplishments outlined in the final report;
- 7) all completed reports, studies, publications, advertisements prepared with grant funds (within sixty (60) calendar days after end of program year); and
- 8) final audit report.

- d) Financial Management Standards - The grantee's financial management systems shall be structured under the Accounting Standards of the Financial Accounting Standards Board of the American Institute of Certified Public Accountants (AICPA) (June, 1984). The grantee is accountable for all funds received under this Program. The grantee shall keep records which detail the expenditures of grant funds and accurately document such expenditures.

e) Property Management

- 1) The grantee may not purchase nonexpendable personal property (equipment) items exceeding \$300.00 without the Department's prior approval. The equipment must be necessary to carry out the objectives of the project and must be included in the line item budget. The grantee retains title to all equipment purchased with grant funds for program operations subject to the following: It is understood that nonexpendable personal property purchased by the grantee with funds provided under this grant and that received from the Department shall not be the property of the grantee but shall be held by it in trust for the benefit of the people of the State of Illinois. The grantee shall maintain appropriate property records and periodically, at intervals not to exceed two years, conduct an inventory of all equipment or nonexpendable personal property purchased with grant funds. Equipment must be used on the original project as long as needed. While being used on the original project, equipment may be made available for "shared use" with other activities, provided that use will not interfere with its use for the original project. When nonexpendable personal property is no longer needed for the original purpose, the grantee shall advise the Department and may request approval for use of such nonexpendable personal property for other projects or activities. If the grantee has no further use for the nonexpendable personal property, the grantee shall request disposition instructions from the Department. In such instances, the Department may authorize the grantee to ship nonexpendable personal property to the Department or a third party named by it. If the grantee is instructed to ship the nonexpendable personal property elsewhere, the grantee shall be

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEAL

reimbursed by the Department for its share of the market value (i.e., percentage of equipment cost paid from non-grant funds multiplied by the value of the equipment at the time of disposition) plus shipping costs. If the grantee receives Department approval to sell or trade-in equipment, it shall be reimbursed for its share of the market value plus costs incurred in the disposition. If the grantee is instructed to otherwise dispose of the nonexpendable personal property, the grantee will be reimbursed by the Department for costs incurred in the disposition.

2) An Equipment Purchase/Acquisition Inventory Listing form indicating equipment or materials purchased with program funds shall accompany the program close-out package, which is sent to the Department following the end of the grant period, if the unit cost is \$300.00 or more and the unit has a life span of one or more years.

f) Monitoring - The Department will monitor each grant funded under this Program periodically by visits throughout the fiscal year to evaluate compliance with the Act, this Part and the terms and conditions of the grant document.

g) Interest on Grant Funds - In accordance with Section 10 of the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1987, ch. 127, par. 2110, as amended by P.A. 85-1214, effective August 30, 1988), all interest earned on funds held by the grantee under this grant shall become part of the grant when earned. However, interest earned on grant funds may be retained by the grantee when the grantee determines the cost of accounting for the interest or allocating the interest to the grant principal is equal to or greater than the interest earned. Any interest earned under the grant, and not expended as grant principal during the term of the grant, shall be returned to the Department.

h) Audits - The grantee shall be responsible for having an annual financial and compliance audit of all grant records. The grantee shall contact, in writing, the Department's Office of Audits when the grant project is completed and advise the Department that the project is ready for audit, providing the name of the audit firm it's selected. Such audit must be performed by an independent public accountant, certified and licensed by authority of the State of Illinois and acceptable to the Department. Any firm that has been debarred or suspended by the federal government in accordance with rules issued by the Office of Management and Budget entitled "Guidelines for Government-Wide Debarment and Suspension (Non-procurement)" (52 FR 20360-20369, May 29, 1987) will be deemed unacceptable by the Department. The grantee shall contract with the audit firm it's selected. The audit must be conducted in accordance with generally accepted government auditing standards adopted by the American Institute of Certified Public Accountants (AICPA) (1983). The grantee shall work cooperatively with the audit firm performing

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEAL

the audit and with the Department's staff relative to the preparation for, and resolution of, the audit. The grantee will provide three copies of the audit relative to funds expended under this program within thirty (30) days following its publication. The grantee may secure an independent audit of its grant in the same manner as it secures its regular audits, provided it provides for maximum open and free competition. The grant audit may be conducted as part of the grantee's annual audit. If the grantee is routinely audited by the Auditor General of the State of Illinois, the grant need not be audited separately. The grantee will provide the Department with one copy of any portion(s) of its annual audit which addresses grant funds. In instances where the grant period or term does not coincide with the grantee's fiscal year, two fiscal audit reports shall be forwarded to the Department. The Department will provide direction to grantees regarding the audit scope and procurement standards and procedures for all audits involving the Department's programs and will provide direction relative to the proper allocation of costs when multi-program or organization-wide audits are conducted. The grantee is responsible for all audit findings resulting from any audit of the grant. Any grantee determined to have misused grant funds (i.e., fraud and abuse, noncompliance with the Act, noncompliance with terms and conditions of grant) as a result of an audit shall be ineligible to apply for and receive funds under this Program.

i) Nondiscrimination - The grantee shall refrain from unlawful discrimination in employment and undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination in accordance with the Illinois Human Rights Act (Ill. Rev. Stat. 1987, ch. 68, pars. 1-101 et seq.).

j) Bonding - Any person with signature authority for funds received under this Program must be bonded for not less than the total grant amount.

k) Bids - All goods must be procured in accordance with the Illinois Purchasing Act (Ill. Rev. Stat. 1987, ch. 127, pars. 132.1 et seq.).

l) Separate Accounts - A separate bank account must be established for the purpose of this Program. The account must require two authorizing signatures. Only funds received under this Program or the grantee's matching funds may be deposited in the account.

m) Suspension and Termination -

1) If the Department determines that a grantee has failed to comply with the terms and conditions of the grant document, the Department shall suspend the grant and withhold further payments until the grant is terminated or the grantee's failure has been corrected. The Department will determine that a grantee has failed to comply with the terms and conditions of a grant when:

- A) The Department has notified the conditions of a grant when the existence of circumstances, such as, consistent failure to submit required reports or evidence of fraud and abuse.
- B) The grantee fails to develop and implement a corrective action plan which explains corrective actions to be taken

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

and evidence refuting the deficiencies within 45 days of Department's notice.

- 2) A grant shall be terminated if the Department determines that the grantee has failed to comply with the terms and conditions of the grant in whole or in part or if the Department and the grantee agree to terminate the grant.
- 3) The Department shall notify the grantee verbally of the determination to terminate or suspend the grant, the reasons for such termination or suspension, and the effective date of the termination or suspensions. Written verification of the Department's determination will be transmitted to the grantee within seven days of the determination.
- 4) The grantee shall not incur new obligations for the terminated portion of the grant after the effective date of the termination or suspension, and shall cancel as many outstanding obligations as possible. The Department shall allow full credit to the grantee for the Department's share of the noncancellable obligations, properly incurred by the grantee prior to the termination.
- n) Publication, Reproduction and Use of Material
 - 1) No material produced in whole or in part under this grant shall be subject to copyright in the United States or in any other country. The Department shall have unrestricted authority to publish, disclose, distribute, and otherwise use, in whole or in part, any reports, data, or other materials prepared under this grant.
 - 2) Grantees must submit proofs of all brochures, publications, promotional and advertising materials prior to printing. The Department will approve or disapprove printing of any such brochures, publications, promotional and advertising materials. The material will be approved if it is accurate, complies with subsections (n)(3) and (n)(4), and is within the scope of work.
 - 3) Any research publication produced as a result of the grant shall include on its title page the following citation: "The project was conducted in part with funds provided under the Corridors of Opportunity Program by the Illinois Department of Commerce and Community Affairs and does not necessarily represent in whole or in part the viewpoint of the State of Illinois or the Department of Commerce and Community Affairs."
 - 4) Any promotional publication or advertisement produced as a result of the grant shall include the Build Illinois Logo with the following citation: "In cooperation with the Illinois Department of Commerce and Community Affairs Corridors of Opportunity Program."
 - 5) The grantee must maintain a log of all inquiries generated from the distribution of brochures and advertisements. The grantee must also maintain a list of all businesses attracted, retained, and the number of individuals employed. The grantee must submit

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

- this information in its bimonthly and final activity reports.
- o) Meetings - The grantee must give prior notification to the Department of the date for all corridor council meetings and provide the Department with a copy of the official minutes of the board of directors when approved.
 - p) Domestic Travel - Grantees must comply with the provisions of 47 Ill. Adm. Code 1.80. Additionally, all out-of-state travel paid from grant funds and all prospect trips and trade show attendance require prior approval from the Department. Grantees must submit a completed "Travel and Trade Show Request" form at least 60 days prior to the scheduled departure date for such trips. The form requests the following information:
 - 1) date of request;
 - 2) type of request (i.e., out of state travel, prospect trip, and/or trade show);
 - 3) trip information which includes location, dates of trip, type of transportation, cost of travel, cost of lodging, and names of council members/staff traveling;
 - 4) brief narrative explaining purpose of travel;
 - 5) if applicable, name of trade show, sponsoring organization, brief outline of pre-attendance and follow-up plans;
 - 6) if applicable, a brief outline of pre-trip plans for prospect trips; and
 - 7) an attachment that lists schedule of visits.
 - q) International Travel - In addition to requirements specified in subsection (p), requests for approval of international travel must conform to the following provisions:
 - 1) The total dollars requested for international travel in a grant year cannot exceed fifteen percent (15%) of the total state dollars awarded to the grantee.
 - 2) Corridors must show that they have communicated effectively with foreign prospects during the past three years. Examples include printed marketing materials and mailing lists, translated materials and mailing lists, and a history of correspondence.
 - 3) Corridors must show an interest in their area by foreign companies within the last three years and that they are currently working with these clients. Examples include advertisement responses, correspondence and a history of past foreign company tours.
 - 4) Corridors must show a past commitment and strategy to attract foreign direct investment. Examples include foreign media ad campaigns, calls on foreign companies in Illinois and elsewhere in the U.S.
 - 5) Corridors must identify companies and the names of individuals within those companies they wish to meet.
 - 6) Corridors must work with the Department's International Business Division, which will provide technical assistance but not be responsible for developing itineraries, appointment schedules,

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

- interpretation services, and entertainment.
- 7) The hiring of consultants (other than travel agents) to arrange itineraries and meetings overseas must be pre-approved by the Department.
- 8) Corridors must submit a detailed follow-up report to the coordinator of the Corridors of Opportunity program at the Department within 30 days after their return.
- r) Grant Close-Out - In accordance with Section 5 of the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1987, ch. 127, par. 2305) the grantee shall, upon submission of the close-out package or within forty-five (45) days of the expiration of the grant, whichever occurs first, refund to the Department any balance of funds which were obligated at the end of the grant period.
- s) Subgrantees - The successful implementation of the grant program and the performance of certain duties by the grantee may require the grantee to subcontract with one or more subgrantees (i.e., recipients of financial assistance from a grantee of the Department). Such subgrantees shall expressly agree to be bound by and subject to the provisions of the grant agreement.
- t) Depository/Authorized Signatory Designation - The grantee shall provide the name of the financial institution which will serve as depository for grant funds and the fund account number. The grantee shall also designate which individuals are authorized to sign the following documents: the grant award, the close out package, the expenditure summary, the payment request form, and the itemization of match report.
- u) For the purpose of this Part, additional provisions specified in 47 Ill. Adm. Code 1.30 and 1.130(f) are applicable.

Section 630.50 Incorporation by Reference

Any incorporation by reference in this Part of the rules and regulations of any agency of the United States or of standards of a nationally recognized organization or association includes no new amendments or editions after the date specified.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: County Economic Development Project Area Property Tax Allocation Financing
- 2) Code Citation: 14 Ill. Adm. Code 526
- 3) Section Numbers:
 526.10 Repealer
 526.20 Repealer
 526.30 Repealer
 526.40 Repealer
 526.50 Repealer
 526.60 Repealer
 526.70 Repealer
 526.80 Repealer
 526.90 Repealer
- Proposed Action:
 Repealer
 Repealer
 Repealer
 Repealer
 Repealer
 Repealer
 Repealer
 Repealer
- 4) Statutory Authority: Implementing the County Economic Development Project Area Property Tax Allocation Act [55 ILCS 85] and authorized by Section 603-95 of the CIVIL Administrative Code of Illinois [20 ILCS 603-95].
- 5) A Complete Description of the Subjects and Issues Involved: These rules pertain to the certification of an economic development district to enable a county to offer development incentives required to attract or retain large scale industrial or commercial facilities in the State. The rule is outdated and obsolete. The Department no longer runs this program, and the rules no longer apply. This repealer is in the public interest because the rules are obsolete.
- 6) Will these repealers replace emergency repealers currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed repealers contain incorporations by reference? No
- 9) Are there any repealers pending on this part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Ms. Raya Bogard
 Illinois Administrative Code Rules Manager
 Office of General Counsel
 Department of Commerce and Community Affairs
 620 East Adams Street, 1st Floor

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

Springfield, Illinois 62701
(217) 785-6285

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses and small municipalities affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: This rulemaking was not anticipated.

The full text of the Proposed Repealer begins on the next page.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

TITLE 14: COMMERCE
SUBTITLE C: ECONOMIC DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 526
COUNTY ECONOMIC DEVELOPMENT PROJECT AREA PROPERTY TAX ALLOCATION FINANCING
(REPEALED)

Section	Definitions
526.10	Purpose of Certification
526.20	Qualified Areas
526.30	Establishment of Economic Development Project Areas
526.40	Contents of Designating Ordinance
526.50	Application Requirements
526.60	Economic Impact Requirement
526.70	Certification Process
526.80	Notification Procedures
526.90	

AUTHORITY: Implementing the County Economic Development Project Area Property Tax Allocation Act (Ill. Rev. Stat. 1991, ch. 34, pars. 7001 et seq.) and authorized by Section 46.42 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 46.42).

SOURCE: Adopted at 16 Ill. Reg. 17258, effective October 29, 1992; repealed at 24 Ill. Reg. _____, effective _____.

Section 526.10 Definitions

"Act" means the County Economic Development Project Area Property Tax Allocation Act (Ill. Rev. Stat. 1991, ch. 34, pars. 7001 et seq.).

"Ad valorem tax" means the tax based on the percentage of the value of a property subject to taxation.

"Department" means the Department of Commerce and Community Affairs.

"Full-time equivalent job" means the number of employees required to equal one full-time employee. For purposes of this definition, "employee" means a person who works a minimum of 35 hours per week for a minimum of 26 consecutive weeks to be counted toward full-time equivalency.

"Tax increment allocation financing" means an economic development financing process that captures the incremental increase in local property tax revenues from new private development to pay for the public investments made to assist that development.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

Section 526.20 Purpose of Certification

The purpose of certification of an economic development district by the Department is to enable a county to offer the development incentives required to attract or retain large scale industrial or commercial facilities in the State. Incentives available to such entities include provision of cleared land, renovation of existing buildings, essential public site improvements, job training, and payment of other economic development project costs.

Section 526.30 Qualified Areas

In accordance with Sections 3(d) and 4 of the Act, an area is qualified to become an economic development project area when it is improved or vacant and:

- a) *Is within the unincorporated area of such county or with the consent of any affected municipality, is located partially within the unincorporated area of such county and partially within one or more municipalities;*
- b) *is continuous;*
- c) *is not less in the aggregate than one hundred acres;*
- d) *is suitable for siting by any commercial, manufacturing, industrial, research or transportation enterprise of facilities to include but not be limited to commercial businesses, offices, factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial or commercial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or transportation facilities, whether or not such area has been used at any time for such facilities and whether or not the area has been used or is suitable for such facilities and whether or not the area has been used or is suitable for other uses, including commercial agricultural purposes; and*
- e) *has been certified by the Department in accordance with the guidelines in the Act and this Part.*

Section 526.40 Establishment of Economic Development Project Areas

Economic Development Project Areas shall be established as follows:

- a) *A county, with more than 200,000 and less than 300,000 inhabitants shall submit to the Department a certified copy of an ordinance proposing such an area and fixing a time and place for a public hearing;*
- b) *The notice of public hearing shall be given by publication and mailing and shall be conducted in conformance with requirements of Sections 4(c) and (d) of the Act;*
- c) *The county shall convene a joint review board in the time and manner as described in Section 4(b) of the Act; and*
- d) *The county may make changes to the economic development plan at the public hearing or at any time prior to adoption by the county of the ordinance pursuant to Section 4(f) of the Act. Such changes shall be*

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

made in accordance with the requirements of Section 4(e) of the Act.

Section 526.50 Contents of Designating Ordinance

- a) In accordance with Section 4(f) of the Act, an ordinance designating an economic development project area shall be established in accordance with procedures specified in Section 4 of the Act and shall set forth:

- 1) Governing body approval of the economic development plan;
 - 2) A finding that the proposed economic project is *reasonably expected to create or retain not less than 1,000 full-time equivalent jobs, that private investment in an amount not less than \$50,000,000 is reasonably expected to occur in the economic development project area; the proposed economic project will encourage the increase of commerce and industry within the State; and that the economic development project will increase or maintain the property, sales, or income taxes of the county or State.*
 - 3) A precise description of the area comprising the economic development project area in the form of a legal description and, where possible, by street location and a designation of the area as an economic development project area subject to the approval of and designation by the Department in accordance with the Act; and
 - 4) A provision that the ad valorem taxes, if any, arising from levies upon taxable real property in the economic development project area (as provided in Section 6 of the Act) are to be distributed each year in accordance with Section 4(f) of the Act.
- b) Amendments to the designating ordinance shall be conducted in accordance with Section 4(g) of the Act.

Section 526.60 Application Requirements

A county which has adopted an ordinance designating an area as an economic development project area shall submit an original and one exact copy of an application to the Department to have such economic development project area reviewed for approval and certification by the Department. The application shall contain the information and documentation specified in Sections 3 and 5(a) of the Act, including the following:

- a) *certified copies of any ordinance(s) adopted*
 - 1) *approving a proposed economic development plan,*
 - 2) *establishing an economic development project area, and*
 - 3) *authorizing tax increment allocation financing;*
- b) *a map of the economic development project area;*
- c) *a copy of the economic development plan as approved, including a statement setting forth the economic development and planning objectives for the economic development project area,*
- d) *estimated economic development project costs,*

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

- 3) the sources of funds to pay such costs,
- 4) the nature and term of any obligations to be issued by the county to pay such costs,
- 5) the most recent equalized assessed valuation of the economic development project area,
- 6) an estimate of the equalized assessed valuation of the economic development project area after completion of the economic development plan,
- 7) the estimated date of completion of any economic development project proposed to be undertaken,
- 8) a general description of any proposed developer, user, or tenant of any property to be located or improved within the economic development project area,
- 9) a description of the type, structure and general character of the facilities to be developed or improved in the economic development project area,
- 10) a description of the general land uses to apply in the economic development project area,
- 11) A description of the type, class and number of employees to be employed in the operation of the facilities to be developed or improved in the economic development project area, and
- 12) a commitment by the county to fair employment practices and an affirmative action plan with respect to any economic development program to be undertaken by the county;
- d) An analysis, and any supporting documents and statistics, demonstrating that the economic development project is reasonably expected to create or retain not less than 1,000 full-time equivalent jobs and that private investment in the amount of not less than \$50,000,000 is reasonably expected to occur in the economic development project area;
- e) an estimate of the economic impact of the economic development plan and the use of property tax increment allocation financing upon the revenues of the county and the affected taxing districts;
- f) A record of all public hearings held in connection with the establishment of the economic development project area; and
- g) A copy of any agreement(s) authorizing the payment or reimbursement by the county of private financing costs.

Section 526.70 Economic Impact Requirement

In determining whether an economic development project shall be certified, the Department shall consider:

- a) Whether, without public intervention, the State would suffer substantial economic dislocation (resulting in the direct loss of more than 1,000 jobs), or would not otherwise benefit from private investment offering substantial employment opportunities (of more than 1,000 jobs) and economic growth (Section 5(b) of the Act), and
- b) The impact on the revenues of the county and the affected taxing

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

districts, as determined by a conjoined input/output econometric forecasting model, of the use of tax increment allocation financing (Section 5(b) of the Act); for example, the expected cost of public infrastructure, incentives, etc., exceed the expected cumulative tax revenue.

Section 526.80 Certification Process

Approval of locally designated Economic Development Project Areas shall be made by the Department by certification of the designating ordinance adopted by a county if the Department determines:

- a) The economic development project area meets the qualifications of Section 526.30 of this Part.
- b) The ordinance designating the economic development project area sets forth the items listed in Section 526.40 of this Part.
- c) The application contains complete information required by Section 526.30 of this Part.
- d) The Department has made affirmative determinations as required by Section 526.60 of this Part.
- e) The Department has determined that proposed project costs are allowable in accordance with Section 3(e) of the Act.

Section 526.90 Notification Procedures

- a) Applicants shall be notified within 30 calendar days of the approval or disapproval of applications for certification. The Department shall promptly issue a certificate for each approved economic development project area within 30 calendar days after receipt of such application by the Department.
- b) The certificate shall be signed by the Director of the Department and shall make specific reference to the designating ordinance, which shall be attached thereto. A certified copy of the Economic Development Project Area Certificate, or a duplicate of the original thereof, shall be recorded with the county clerk's office in the county in which the economic development project area is located.
- c) An economic development project area shall be effective upon its certification. Upon certification of an economic development project area, the terms and provisions of the designating ordinance shall be in effect. An economic development project area shall be in effect for the duration of the term set forth in the designating ordinance of the municipality.
- d) In the event that the Department disapproves an application for certification, it shall specify in writing the reasons for disapproval and shall allow the applicant 15 calendar days to amend and resubmit the application. Resubmitted applications shall be approved or disapproved within 30 calendar days after receipt.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Economic Development Area Tax Increment Allocation Financing

2) Code Citation: 14 Ill. Adm. Code 525

3) Section Numbers: Proposed Action:
525.10 Repealer
525.20 Repealer
525.30 Repealer
525.40 Repealer
525.50 Repealer
525.60 Repealer
525.70 Repealer
525.80 Repealer

4) Statutory Authority: Implementing the Economic Development Area Tax Increment Allocation Act (P.A. 86-38, effective July 12, 1989) and authorized by Section 46.20 of the Civil Administrative Code of Illinois [20 ILCS 605/46.20].

5) A Complete Description of the Subjects and Issues Involved: These rules pertain to the certification of an economic development district to enable a municipality to offer development incentives required to attract or retain large scale industrial or commercial facilities in the State. The rules have not been used since FY90, and the Program has not been run by the Department since then. This repealer is in the public interest because the rules are obsolete.

6) Will these repealers replace emergency repealers currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed repealers contain incorporations by reference? No

9) Are there any repealers pending on this part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Ms. Raya Bogard
Illinois Administrative Code Rules Manager
Office of General Counsel
Department of Commerce and Community Affairs
620 East Adams Street, 1st Floor

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

Springfield, Illinois 62701
(217) 785-6285

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses and small municipalities affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: This rulemaking was not anticipated.

The full text of the Proposed Repealer begins on the next page:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

TITLE 14: COMMERCE
SUBTITLE C: ECONOMIC DEVELOPMENT
CHAPTER 1: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

ECONOMIC DEVELOPMENT AREA TAX INCREMENT ALLOCATION FINANCING (REPEALED)
PART 525

Section	Definitions
525-10	Purpose of Certification
525-20	Qualified Areas
525-30	Contents of Designating Ordinance
525-40	Application Requirements
525-50	Economic Impact Requirement
525-60	Certification Process
525-70	Notification Procedures
525-80	

AUTHORITY: Implementing the Economic Development Area Tax Increment Allocation Act (P.A. 86-38, effective July 12, 1989) and authorized by Section 46.20 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 46.20).

SOURCE: Emergency rules adopted at 13 Ill. Reg. 13649, effective August 15, 1989, for a maximum of 150 days; adopted at 14 Ill. Reg. 1968, effective January 19, 1990; repealed at 24 Ill. Reg. _____, effective _____.

Section 525.10 Definitions

"Act" means the Economic Development Area Tax Increment Allocation Act (P.A. 86-38, effective July 12, 1989).

"Ad valorem tax" means the tax based on the percentage of the value of a property subject to taxation.

"Department" means the Department of Commerce and Community Affairs.

"Full-time equivalent job" means the number of employees required to equal one full-time employee. For purposes of this definition, "employee" means a person who works a minimum of 35 hours per week for a minimum of 13 consecutive weeks to be counted toward full-time equivalency.

"Tax increment allocation financing" means an economic development financing process that captures the incremental increase in local property tax revenues from new private development to pay for the public investments made to assist that development.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

Section 525.20 Purpose of Certification

The purpose of certification of an economic development district by the Department is to enable a municipality to offer the development incentives required to attract or retain large scale industrial or commercial facilities in the State. Incentives available to such entities include provision of cleared land, renovation of existing buildings, essential public site improvements, job training, and payment of other economic development project costs.

Section 525.30 Qualified Areas

In accordance with Section 3(d) of the Act, an area is qualified to become an economic development project area which:

- is located within or partially without the territorial limits of a municipality upon the express consent of the Department;
- is contiguous;
- is not less in the aggregate than three hundred twenty acres;
- is suitable for siting by any commercial, manufacturing, industrial, research or transportation enterprise or facilities, whether or not such area has been used at any time for such facilities and whether or not the area has been used or is suitable for other uses; and
- has been approved and certified by the Department in accordance with the guidelines in the Act and this Part.

Section 525.40 Contents of Designating Ordinance

In accordance with Section 4(e) of the Act, an ordinance designating an economic development project area shall set forth:

- Governing body approval of the economic development plan;
- A finding that the proposed economic project shall create or retain not less than 2,000 full-time equivalent jobs, that private investment in an amount not less than \$100,000,000 shall occur in the economic development project area;
- A precise description of the area comprising the economic development project area in the form of a legal description and, where possible, by street location and, a designation of the area as an economic development project area subject to the approval of and designation by the Department in accordance with the Act; and
- A provision that the ad valorem taxes, if any, arising from levies upon taxable real property in the economic development project area are to be distributed in accordance with the Act.

Section 525.50 Application Requirements

A municipality which has adopted an ordinance designating an area as an economic development project area shall submit an original and one exact copy of an application to the Department to have such economic development project

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

area reviewed for approval and certification by the Department. The application shall contain the information and documentation specified in Section 5(a) of the Act, including the following:

- a) certifying copies of any ordinance(s) adopted
- 1) approving a proposed economic development plan,
- 2) establishing an economic development project area, and
- 3) authorizing tax increment allocation financing;
- b) a map of the economic development project area;
- c) 1) a statement setting forth the economic development and planning objectives for the economic development project area,
- 2) estimated economic development project costs,
- 3) the sources of funds to pay such costs,
- 4) the nature and term of any obligations to be issued by the municipality to pay such costs,
- 5) the most recent equalized assessed valuation of the economic development project area,
- 6) an estimate of the equalized assessed valuation of an economic development project area after completion of an economic development project,
- 7) the estimated date of completion of any economic development project proposed to be undertaken,
- 8) a general description of any proposed developer, user, or tenant of any property to be located or improved within the economic development project area,
- 9) a description of the type, structure and general character of the facilities to be developed or improved in the economic development project area,
- 10) a description of the general land uses to apply in the economic development project area,
- 11) a description of the type, class and number of employees to be employed in the operation of the facilities to be developed or improved in the economic development project area, and
- 12) a commitment by the municipality to fair employment practices and an affirmative action plan with respect to any economic development program to be undertaken by the municipality;
- d) an analysis and any supporting documents and statistics, demonstrating that the economic development project shall create or retain not less than 2,000 full-time equivalent jobs and that private investment in the amount of not less than \$100,000,000 shall occur in the economic development project area;
- e) an estimate of the economic impact of the economic development project and the use of tax increment allocation financing upon the revenues of the municipality and the affected taxing districts;
- f) a record of all public hearings had in connection with the establishment of the economic development project area; and
- g) A copy of any agreement(s) authorizing the payment or reimbursement by the municipality of private financing costs.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

Section 525.60 Economic Impact Requirement

In determining whether an economic development project shall be approved and certified, the Department shall consider:

- a) whether, without public intervention, the state would suffer substantial economic dislocation (resulting in the direct loss of more than 2,000 jobs), or would not otherwise benefit from private investment offering substantial employment opportunities (of more than 2,000 jobs), and
- b) whether the revenues of the municipality and the affected taxing districts will not have a negative effect as determined by a conjoined input/output econometric forecasting model by the use of tax increment allocation financing (Section 5(b) of the Act) for example, the expected cost of public infrastructure, incentives, etc., exceed the expected cumulative tax revenue.

Section 525.70 Certification Process

Approval of locally designated Economic Development Project Areas shall be made by the Department by certification of the designating ordinance adopted by a municipality if the Department determines:

- a) The economic development project area meets the qualifications of Section 525.30 of this Part.
- b) The ordinance designating the economic development project area sets forth the items listed in Section 525.40 of this Part.
- c) The application contains complete information required by Section 525.50 of this Part.
- d) The Department has made affirmative determinations as required by Section 525.60 of this Part.

Section 525.80 Notification Procedures

- a) Applicants shall be notified within 10 calendar days of the approval or disapproval of applications for certification. The Department shall promptly issue a certificate for each approved economic development project area within 10 calendar days of receipt of such application by the Department.
- b) The certificate shall be signed by the Director of the Department, shall make specific reference to the designating ordinance, which shall be attached thereto. A certified copy of the Economic Development Project Area Certificate, or a duplicate of the original thereof, shall be recorded with the county clerk's office in the county in which the economic development project area is located.
- c) An economic development project area shall be effective upon its certification. Upon certification of an economic development project area, the terms and provisions of the designating ordinance shall be in effect. An economic development project area shall be in effect for the duration of the term set forth in the designating ordinance of

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED REPEALER

- d) In the event that the Department disapproves an application for certification, it shall specify in writing the reasons for disapproval and shall allow the applicant 15 calendar days to amend and resubmit the application. Resubmitted applications shall be approved or disapproved within 10 calendar days of receipt. Applicants may appeal any negative final determination of the Department in accordance with 47 Ill. Adm. Code 10 (Review and Appeal Procedures).

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Industrial Training Program

- 2) Code Citation: 56 Ill. Adm. Code 2650

- 3) Section Numbers: Proposed Action:

2650.10	Amend
2650.20	Amend
2650.30	Amend
2650.40	Amend
2650.50	Amend
2650.120	Amend
2650.130	Amend
2650.310	Amend
2650.320	Amend
2650.330	Amend

- 4) Statutory Authority: Implementing Section 605-800 and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-800 and 605-95].

- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking encourages entrepreneurial education and self-employment training programs under the ITP while broadening the eligibility for multi-company grantees by allowing projects to be sponsored by industry associations. It allows both the grantee and the Department broader authority to negotiate the terms and conditions for the payment for the training costs and it sets forth language that will produce a more concise administrative allowance for the grantees. As a result of federal legislation, it removes any reference to the Job Training Partnership Act (JTPA) entities and replaces it with Workforce Investment Act (WIA) language.

- 6) Will these proposed amendments replace an emergency amendment currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporation's by reference? No

- 9) Are there any proposed amendments containing incorporation's by reference?
No

- 10) Statement of Statewide Policy Objectives: The rulemaking does not create or expand a State Mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

Ms. Raya Bogard
 Illinois Administrative Code Rules Manager
 620 East Adams
 Springfield IL 62701
 217/785-6285

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses and small municipalities affected: Illinois businesses would be able to apply for training grants from the Department of Commerce and Community Affairs.

B) Reporting, bookkeeping or other procedures required for compliance: Bookkeeping and reporting of any approved training funds. No other procedures required.

C) Types of professional skills necessary for compliance: Applicants would already possess the necessary skills for compliance.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not anticipated on either or the 2 most recent agendas because: This rulemaking was not anticipated.

The text of the Proposed Amendments begins on the next page.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
 CHAPTER III: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS
 PART 2650
 INDUSTRIAL TRAINING PROGRAM

SUBPART A: GENERAL REQUIREMENTS

Purpose	Section
Definitions	2650.10
Eligible Applicants and Training Activities	2650.20
Allowable Costs	2650.30
Grant Administration Requirements	2650.40
Nondiscrimination	2650.50
Selection for Funding (Recodified)	2650.60
Allowable Costs (Recodified)	2650.70
Grant Administration Requirements (Recodified)	2650.80
Nondiscrimination (Recodified)	2650.90
	2650.100

SUBPART B: SINGLE COMPANY

APPLICANTS

Section	
Application Procedures	2650.110
Application Documentation	2650.120
Application Evaluation	2650.130
Selection for Funding	2650.140

SUBPART C: SECONDARY AND POST-SECONDARY EDUCATION INSTITUTION APPLICANTS

(Repealed)

Section	
Application Procedures (Repealed)	2650.210
Application Documentation (Repealed)	2650.220
Application Evaluation (Repealed)	2650.230
Selection for Funding (Repealed)	2650.240
Reporting Requirements (Repealed)	2650.250

SUBPART D: MULTI-COMPANY AND MEMBERSHIP TRAINING PROJECT

APPLICANTS

Section	
Application Procedures	2650.310
Application Documentation	2650.320
Application Evaluation	2650.330
Selection for Funding	2650.340

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

2650.350 Administrative Requirements (Repealed)

AUTHORITY: Implementing Section 605-800 and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ICS 605/605-800 and 605-95].

SOURCE: Adopted at 11 Ill. Reg. 11642, effective June 29, 1987; recodified at 13 Ill. Reg. 15386; emergency amendments at 13 Ill. Reg. 16126, effective September 27, 1989, for a maximum of 150 days; emergency expired February 24, 1990; amended at 14 Ill. Reg. 5075, effective March 20, 1990; amended at 16 Ill. Reg. 17969, effective November 17, 1992; amended at 19 Ill. Reg. 15374, effective October 20, 1995; amended at 21 Ill. Reg. 12124, effective August 26, 1997; amended at 24 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL REQUIREMENTS

Section 2650.10 Purpose

Through the Illinois Industrial Training Program (Program), the Department of Commerce and Community Affairs (Department) will provide training grants to businesses operating or locating in Illinois in conjunction with planned permanent expansion, location or retention activities; and to multi-company training projects sponsored by business or industry associations, institutions of secondary and higher education, strategic business partnerships, grant recipients or administrative entities under the Job Training Partnership Act or any successor federal employment and training programs, large manufacturers or supplier network companies, and labor organizations. The purpose of the Program is to enhance employment opportunities for Illinois citizens by assisting Illinois employers in the training of their workforce, and to assist multi-company training projects in addressing common employee training needs identified by participating companies, and to facilitate self-employment by encouragement and preparation through comprehensive, instructional programs and services and entrepreneurial education.

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

Section 2650.20 Definitions

Director - The Director of the Department of Commerce and Community Affairs.

Employee training - Training programs, either on-the-job, classroom or any combination thereof, sponsored by an employer or other eligible grant recipient on behalf of employers, which are intended to provide employees with the skills required to perform their current job or as a condition of continued employment. The employee skill requirements are established by the employer or participating employers and may include basic, technical and managerial skills.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

Entrepreneurial Education and Training - Any education and training program operated by or in cooperation with the Illinois Institute for Entrepreneurial Education for youth and/or adult learners that is intended: to enhance the business-building capabilities of aspiring and practicing entrepreneurs; to assist executives in transition who are interested in entrepreneurship growth opportunities; to encourage an early interest in entrepreneurship among youth; to develop programs for successful companies that want to expand the growth of entrepreneurship within their own organizations; and/or, to introduce low-income and at risk youth to the world of business and entrepreneurship by teaching them how to develop and operate their own small business; and/or to enhance the business-building capabilities of researchers, developers, inventors, professors and other to successfully commercialize technology into viable business enterprises.

Grantee - Any program applicant whose proposal is funded by the Department through a grant.

Labor Organization - Any collective bargaining unit or any labor entity formed by collective bargaining units such as state labor councils, district labor councils, local central labor councils and international unions as well as the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO).

Large Manufacturers Supplier Network - Any company located or with facilities in the State of Illinois which supplies products or services to an original equipment manufacturer or large manufacturing assembly facility in Illinois.

Location Activities - Activities necessary to place or attract new companies to Illinois (e.g., training).

Multi-Company Training Project - Any project submitted for the benefit of more than two companies which addresses the common employee training, retraining or skills upgrading needs identified by participating companies. The participating companies may not include units of local, municipal, home rule, county, state or federal government or government agencies or government-operated facilities or public or private educational institutions.

New Employee - An individual who is hired by the grantee during the term of a training contract or who is permanently transferred to Illinois during the term of a training contract.

Planned Permanent Expansion - Any of the following will apply:

Permanent increase in the workforce (no minimum number of new

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

jobs required);

Addition of new product line or expansion of existing product line; or

New capital investment in machinery or equipment.

Retention Activities - Activities necessary to keep existing companies in Illinois that might otherwise leave the State or reduce their workforce (e.g., retraining, upgrading, cross-training).

Self-Employment Training Program - A competency-based business management training program in which demonstrated proficiency to complete a business operating and financing plan is a prerequisite to successful completion.

Retraining - The training of an employee with the intent that the employee will learn to perform a significantly different type of job than was previously held by that employee.

Strategic Business Partnership - A formal or informal agreement between more than two businesses with facilities in Illinois where an objective of the partnership is to address employee training or other common workforce development issues among the participating businesses.

Trainee - A full-time existing or newly-hired employee of a company who is participating in a training, retraining or skills upgrading program. Part-time, seasonal, temporary and/or contractual employees cannot be considered trainees for program reimbursement.

Upgrade Training - The enhancement of employees' job skills with the intent that the employee will continue working at the same type of job (e.g., cross-training of skilled employees).

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2650.30 Eligible Applicants and Training Activities

a) Any business concern locating, expanding, or having a facilities in Illinois and that is undertaking one or more of the following training activities:

- 1) Training programs in response to new or changing technologies or processes being introduced in the workplace;
- 2) Training necessary to implement total quality management or improvement systems in the workplace;
- 3) Job-linked training to upgrade existing employees' skills that

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

leads directly to long-term job security;

- 4) Training employees in skills necessary to enable the company to establish or expand into new export markets;
- 5) Training in conjunction with new or additional product lines;
- 6) Training related to new machinery or equipment;
- 7) Training new or existing employees of companies that are locating or expanding in Illinois;
- 8) Basic and/or remedial training of employees as a prerequisite for other vocational or technical skills training; and
- 9) Training related to regulatory compliance issues mandated for the workplace.

b) The Director also will accept applications submitted by Illinois-based business and industry associations, institutions of secondary and higher education, strategic business partnerships, **grant-recipients or administrative entities under the Job-Training-Partnership-Act**, large manufacturers for supplier network companies, and labor organizations on behalf of multi-company training projects where such projects address the common employee training needs identified by participating companies or the common training needs identified by the organization's membership. Eligible training activities for multi-company or membership training projects include, but are not limited to, one or more of the following:

- 1) Training programs in response to new or changing technology being introduced in the workplace.
- 2) Job-linked training to upgrade existing employees' skills that leads directly to long-term job security.
- 3) Training necessary to implement total quality management or improvement systems within the workplace.
- 4) Training related to new machinery or equipment.
- 5) Training of employees or companies that are expanding into new markets or expanding exports from Illinois.
- 6) Basic and/or remedial training of employees as a prerequisite for other vocational or technical skills training.
- 7) Other training activities and/or projects related to the support, development or evaluation of job training programs, activities and delivery systems, including training needs assessment and design.

B) Self-employment training of the unemployed and underemployed with comprehensive, competency-based instructional programs and services, entrepreneurial education and training initiatives for youth and/or adult learners in cooperation with the Illinois Institute for Entrepreneurial Education, training and education, conferences, workshops and best practice information for local program operators of entrepreneurial and self-employment training programs.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

Section 2650.40 Allowable Costs

- a) Grants for employee training to single companies will allow for the reimbursement or payment on the terms and conditions that the Department shall determine, provided that no grant shall exceed ~~of-up to~~ 50% of the total approved training costs. Allowable costs for single company training projects include:
 - 1) instructor costs, including wages, fringe benefits and travel expenses.
 - 2) Costs for tuition and educational fees.
 - 3) Training materials.
 - 4) Rent or lease of training equipment and/or facilities.
 - 5) Other usual and customary training costs.
 - 6) Trainee travel expenses.
 - 7) Trainee wages and fringe benefits.
 - 8) Audit costs.
- b) Grants for multi-company or membership training projects shall be made on the terms and conditions that the Department shall determine, provided that no grant shall exceed ~~with allow-for-the-reimbursement of-up to~~ 50% of the total approved direct training costs. For the multi-company training projects, the Department requires that a minimum of 50% of the local contribution be a direct cash contribution toward the training project by the companies participating in the training projects. Allowable costs for multi-company or membership training projects include:
 - 1) Administrative costs of tracking, documenting, reporting, auditing and processing training funds or project costs. Administrative costs must be reasonable and shall not exceed 1% of the total approved direct training expenditures costs, including indirect costs.
 - 2) Costs of curriculum development. The Department will only reimburse for the costs of curriculum development when such curricula are judged by the Department as being of benefit to multiple Illinois employers and such curricula will be considered to be in the public domain.

The Grantee shall include the following statement in all written materials produced in whole or in part by funds awarded under this Grant Agreement: "This publication and material were supported in whole or in part by an Industrial Training Program grant awarded by the Illinois Department of Commerce and Community Affairs. Representations made by this publication and material do not necessarily reflect the opinions and conclusions of the Department."

The Department reserves the right to request at least one copy of all training materials used by the Grantee or any subcontractor for training which is eligible for reimbursement under the grant. The Department will not distribute any proprietary information nor circulate any training materials without the expressed

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

- consent of the Grantee or subcontractor with the exception of those materials which are developed in whole or in part with State funds.
- 3) Training materials, including manuals, workbooks, videotapes and other materials that are used for training purposes only. Any item that can be depreciated will not be considered to be training materials.
 - 4) Instructor costs, including wages, fringe benefits, tuition and travel expenses.
 - 5) Rent or lease of training equipment and/or facilities.
 - 6) Other usual and customary training costs.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2650.50 Grant Administration Requirements

- a) Audits - The Department reserves the right to conduct special audits at any time during normal working hours of funds expended under Department grants (e.g., evidence of fraud or abuse). If the Grantee is a secondary or post-secondary education institution, it shall comply with the applicable audit requirements of 47 Ill. Adm. Code 130. If the Department determines that an audit of grant funds will be required for an individual company, the scope of the audit will be outlined in the grant contract.
- b) Monitoring - The Director will ensure that a minimum of one on-site grant monitoring visit is conducted by the Department either during the course of the grant period or within six months following the end of the grant period. The Department will verify that the Grantee's financial management system is structured to provide for accurate, current and complete disclosure of the financial results of the grant program in accordance with all provisions, terms and conditions contained in the grant contract. The Department also reserves the right to contact any company participating in a multi-company training project funded by this program to verify the information submitted by the Grantee on behalf of the participating company.
- c) Training Evaluation Report - The Grantee must submit to DCCA, within 60 days following the end of the grant period, a descriptive written evaluation of the results of the training experience by either the company, in the case of single-company grantees, or the companies participating in the training project, in the case of multi-company training projects. The narrative evaluation report should be based on the measurable outcomes or benefits contained in the grant application submitted and approved by DCCA. DCCA reserves the right to withhold any future year funding for noncompliance with this provision.
- d) Reporting Requirements - To receive payment reimbursement for training costs which have been incurred by a Grantee in accordance with the Scope of Work and Budget contained in the grant contract with the

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

Department, the Grantee shall furnish evidence to the Department of having completed training by following either a monthly certification schedule or other schedule negotiated by the Department and the Grantee. This certification shall be filed on forms provided to the Grantee by the Department. Payments to the Grantee are subject to the initiation of an invoice-voucher which shall be due to the Department according to the schedule established in the grant contract. A project summary report shall be due to the Department either each month, or as negotiated, consisting of an analysis of major project activities; a listing of clients served; if the project served clients; and an evaluation of how the project's operation is related to the objectives of the grant.

e) Grant Closeout - The Grantee shall be responsible for completing the grant closeout package which shall be provided by the Department and identifies the financial status of these grant funds. The Grantee, upon submission of the closeout package, or within 45 days after expiration of the grant, whichever is first, shall refund to the Department any balance of funds, including administrative costs, which were expended or obligated at the end of the grant period. In addition, the Grantee shall repay the Department for any funds that are determined by the Department to have been spent in violation of the grant contract. If the grant contract should terminate for any reason, the closeout package shall be due within 45 days after the date of termination.

f) For the purpose of Subparts B and D of this Part, the provisions specified in 47 Ill. Adm. Code 1.30, 1.40, 1.60, 1.70, 1.80, 1.90, 1.100, 1.105, 1.110, 1.120, 1.140, and 1.185 are applicable.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART B: SINGLE COMPANY APPLICANTS

Section 2650.120 Application Documentation

Applications will include documentation of the following:

a) Number of applicant; type of company; name, address, and telephone and telephone and fax numbers; name, address, e-mail address and telephone and fax numbers; number of training coordinator; provider, if different from the applicant; amount of program funds being requested; starting and ending dates of program; total number of new and upgraded employees to be trained; current number of employees working in administration and production; company Federal Employment Identification Number (F.E.I.N.); Standard Industrial Code (S.I.C.); Illinois Unemployment Insurance Account Code; Senate District number; Representative District number; authorized signatures; indication whether the company is located in an Illinois State Enterprise Zone; indication whether company is reopening a facility which had been

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

previously closed; the name of labor unions union(s) representing employees at the facility, if applicable; and an indication of whether the company applied for or received training assistance under the program in prior fiscal years.

b) Business Certification - a form which must be signed and dated by the Chief Executive Officer or duly authorized representative of the applicant company certifying that the application for an application for training assistance is not a guarantee or commitment by the Department for funding;

1) Agrees to discuss with representatives of the local Workforce Investment Act (WIA) Job-Training-Partnership-Act-(JTPA) office the hiring of WIA JTPA-eligible individuals for new jobs which are created as a result of this project;

3) Agrees to submit to the Department, on a monthly basis, information regarding training activity as required for reimbursement under the Industrial Training Program;

4) Agrees to submit to the Department, within 60 days following the end of the grant period, a written evaluation of the results of the training experience by the company. The evaluation report should be based on the measurable outcomes or benefits contained in this grant application;

5) Maintains that it is a company in good standing, authorized to do business in Illinois and has no delinquent State tax liabilities;

6) Authorizes the Department of Commerce and Community Affairs to verify in any manner deemed appropriate any and all items indicated in this application which include information obtained through the Illinois Department of Employment Security, Consumer Credit Bureau Services and business reporting services such as Dun and Bradstreet;

7) Agrees to immediately notify the Department regarding any major business or personnel changes at their facility (e.g., layoff situations, changes in training plans or schedules);

8) Acknowledges that if their application is funded, they will be required to comply with the Illinois Drug Free Workplace Act, the Americans with Disabilities Act and the Illinois Human Rights Act and any future laws enacted which may be applicable to the grant;

9) To the best of its knowledge as of the date of the application, is not in material violation of any local, State or Federal labor laws at the site and that abnormal labor conditions such as a strike or lockout do not exist at this site;

10) Maintains that all information contained in the application, including the documentation, is accurate, complete and true to the best of their knowledge;

11) Agrees to submit to the Department by the end of the grant period the Social Security Number of all employees participating in the approved training program; and

12) Agrees to notify all trainees that, if funded, the training is

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

being partially funded by an Industrial Training Program grant administered by the Department of Commerce and Community Affairs, and:

- 13) Agrees that, upon request by the Department, it will conduct an audit of the grant funds in accordance with generally accepted auditing standards and any special audit conditions that the Department deems necessary to ensure the accountability of public funds.
- c) Training Outline - which details, by job classification or training course, minimum skills desired for entry into training by job or training course and additional skills to be acquired in training by job or training course.
- d) Program Outline Vintable - which details the training schedule of employee entry by job classification or training course per month into the program.
- e) Training Outline Data/Trainees - which lists the job classification or training course and the number of trainees for each classification or training course. This form lists the number of new and upgraded trainees, the number of hours of training requested for each trainee or training course, and the average wage paid to the employees in that job classification or training course. Training--Outline--Data (trainees)--which--details--by--job--classification--or--training--course--the--number--of--employees--amount--of--training--time--hourly--training--starting--wage--and--trainee--wage--at--completion--of--training--
- f) Training Outline Data/Trainers - which identifies all instructors or entities conducting training. The number of instructors, the total number of instructional hours and the instructor costs, including tuition and fees, are required. Training--Outline--Data--(trainers)--which--details--the--trainers--or--course--names--the--number--of--instructional--hours--and--the--cost--of--the--training--
- g) Project Budget Summary - which details the total cost of training and the requested grant amounts of the Program and other available training programs in Illinois (e.g., Workforce Investment Act, Welfare-to-Work, Job--Training--Partnership--Act--Program, Secretary of State Literacy Office Grant Program, Prairie State 2000 Program).
- h) Attachments as applicable:
 - 1) Attach a brief narrative explaining each line item on the budget summary. The narrative shall state how each "total costs" figure was obtained and should provide information regarding how all training hours and other training costs will be tracked and documented.
 - 2) Financial statements consisting of profit and loss statements and balance sheets for the last three years and tax returns for the last three years. For newly-established companies, a three-year projected balance sheet and profit and loss statement and a one-year monthly cash flow statement are required. Companies submitting financial information more than six months old must submit a statement regarding why more current information is not

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

available. 7--or--pro--forma--statements--and--cash--flow--projections--for--the--next--two--years--industries--not--having--these--financial--reports--must--include--a--letter--of--reference--from--their--bank--and--back--up--financial--data--to--show--their--solvency--

3) Transmittal letter providing information on: recent trends and significant events in the company's workforce, sales, competition, production, markets, and facility locations; how applicant will coordinate and use other training programs for funding, as appropriate; describe training activities, including training content, training providers, timeline, training methods, assessment techniques and how the training is linked to any new capital investment; and how these activities will be linked to work unit and/or company performance. the--company--biography--including--ownership--length--of--time--in--business--a--description--of--the--products--manufactured--or--services--provided--a--discussion--of--the--company's--major--customers--and--competitors--and--the--name(s)--of--the--labor--union(s)--representing--its--employees--if--applicable--a--description--and--amount--of--any--new--capital--investment--within--the--past--year--and--upcoming--year--and--whether--this--capital--investment--is--related--to--the--training--the--need--for--the--training--by--the--company--the--location--of--the--training--site--the--name(s)--of--the--training--provider(s)--and--the--expected--measurable--outcomes--or--benefits--of--the--training--program--and--a--description--of--how--these--benefits--will--be--measured--

- i) Disclosure of Financial Information - a form which may be signed and dated by the Chief Executive Officer certifying that the commercial and financial information contained in the grant application is proprietary, privileged, confidential or is of a nature that its disclosure may cause competitive harm to the applicant, thereby rendering the application exempt from disclosure under Section 7 of the Freedom of Information Act [5 ILCS 140].

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

Section 2650.130 Application Evaluation

The Department shall screen all applications to determine that all requirements of the application package have been addressed. Complete applications will be reviewed and evaluated comparatively by Department staff. This review and evaluation process will be completed within 75 **seventy-five** days of receipt of all required information. Department staff will conduct a technical and financial evaluation of each application.

- a) Technical Evaluation Component - Each application will be reviewed to assure compliance with technical program requirements as detailed in Sections 2650.30 and 2650.120.
- b) Financial Evaluation Component - The company's audited financial statements, including the annual balance sheets and profit and loss

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

statements for the past three years, or other acceptable financial information as determined by the Department, will be reviewed through a standard credit analysis which will determine the: liquidity and debt coverage for the project; ability of the company to manage debt; business trends, and projected earnings. This data will be compared to similar data for companies in the same industry using "Robert Morris Associates Annual Statement Studies" (1985), if such industry is evaluated by this source. This standard credit analysis will determine the financial stability of the company.

c) Application Evaluation - Those applications determined eligible for funding based on the evaluation process described in subsections (a) and (b), will be evaluated according to the following criteria:

- 1) Project readiness (e.g., time schedule for project initiation, etc.);
- 2) Average wage rate of trainees;
- 3) New capital investment (e.g., training directly relates to jobs, etc.) and capital investment per trainee;
- 4) Applicant has identified specific and measurable training objectives;
- 5) Financial feasibility of the project as determined by the financial evaluation described in subsection (b);
- 6) Compliance with terms and conditions under previous Industrial Training program grant awards;
- 7) County unemployment rate;
- 8) Applicant is adversely affected by foreign competition or training would provide company an advantage in competing in a global market;
- 9) Quality and consistency of the proposed training program;
- 10) Illinois-based company;
- 11) Level of value-added for the specific industry; and
- 12) Industries specified in annual application packages; and
- 13) Located in a State-designated enterprise zone.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART D: MULTI-COMPANY AND MEMBERSHIP TRAINING PROJECT APPLICANTS

Section 2650.310 Application Procedures

Applications will be accepted at any time. Receipt of an application does not commit the Department to award a grant or to pay any costs incurred in the preparation of an application. The applicant and any companies participating in the project shall not procure, contract for or incur costs for services or supplies prior to the signing of a written contract. The contents of an approved application shall become part of the contract awarded to the applicant. All data, material and documentation originated by an application

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

and prepared for an application or contract shall belong exclusively to the State of Illinois and the Department. The Department shall supply interested businesses, business and industry associations, institutions of secondary or higher education, strategic business partnerships, ~~federat--job--training~~ ~~Partnership--act--administrative~~ ~~entire--or--grant--recipient~~, labor organizations or other organizations with an application upon request. Applications for grant funds shall be submitted to the Department's Office of Industrial Training in Chicago or Springfield on forms provided by the Department along with any necessary attachments which may be required.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2650.320 Application Documentation

Applications shall include documentation of the following:

- a) A history and summary of the qualifications of the organization submitting the application, including any related experience in coordinating, conducting or sponsoring training programs for businesses or its membership.
- b) A description of how the companies or members will be/were selected to participate in the project and an explanation of how the common employee training needs were determined. The applicant also should indicate if a training needs assessment has been conducted.
- c) A company profile for each of the participating companies, including how long they have been in business, a description of their facilities manufactured or services provided, the location of their facilities ~~facility(ies)~~, the Standard Industrial Code, the current number of employees, the name of any labor organizations ~~organization(s)~~ representing the employees (if applicable) and a company contact and telephone number.
- d) A description of any new capital investment made by the participating companies and if it relates to the proposed training program.
- e) The type of training being requested (e.g., classroom, on-the-job training).
- f) The objectives of the training.
- g) Where the training will be conducted.
- h) The names ~~name(s)~~ of the training providers ~~provider(s)~~.
- i) The expected measurable outcomes or benefits to the participating companies of the training program and a description of how these benefits will be measured.
- j) An Applicant Certification form which is signed and dated by the Chief Executive Officer or duly authorized representative of the applicant certifying that the applicant:
 - 1) Understands that receipt by the Department of Commerce and Community Affairs of an application for training assistance is not a guarantee or commitment by DCCA for funding;
 - 2) Agrees to submit to DCCA, on either a monthly basis or other

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

basis agreed upon by the Department and the Grantee, information regarding training activity as required for training payment reimbursement under the Industrial Training Program;

- 3) Agrees to submit to DCCA, within 60 days following the end of the grant period, a written evaluation of the results of the training experience by the participating companies. The evaluation report should be based on the measurable outcomes or benefits contained in the grant application;
- 4) Authorizes DCCA to verify in any manner deemed appropriate any and all items indicated in this application which include information obtained through the Illinois Department of Employment Security, Consumer Credit Bureau Services and business reporting services such as Dun and Bradstreet;
- 5) Agrees to submit to DCCA by the end of the grant period the Social Security Number of the participating employees and the unemployment Insurance Employer Account Number of all employers participating in an approved training program;
- 6) Agrees to notify DCCA promptly regarding any major changes in the project (e.g., layoff situations at participating companies, changes in training plans or schedules);
- 7) Maintains that, to the best of its knowledge as of the date of the application, no employers participating in the project are in material violation of local, State or federal labor laws at any sites involved in the application, and that abnormal labor conditions such as a strike or lockout do not exist at any of these sites;
- 8) Acknowledges that, if the application is funded, the applicant will be required to comply with the Illinois Drug Free Workplace Act, the Illinois Human Rights Act, the Americans with Disabilities Act and any future laws enacted which may be applicable to the grant;
- 9) Maintains that all information contained in this application, including the documentation, is accurate, complete and true to the best of their knowledge; and
- 10) That, if funded, all companies participating in the training and the trainees of those companies will be notified in writing that the training is partially funded by the Industrial Training Program grant administered by the Department of Commerce and Community Affairs; and
- 11) Agrees that, upon request by the Department, it will conduct an audit of grant funds in accordance with generally accepted auditing standards and any special audit conditions that the Department deems necessary to ensure the accountability of public funds.

k) Training Outline - which provides a descriptive picture of each training module or job classification, the requirements for selection to enter training and additional skills to be acquired through training.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

- l) Training Outline Data/Trainees} - by training module, the number of employees in training, the proposed number of hours of training requested for each trainee and the average wage rates of the trainees.
- m) Training Outline Data/Trainers} - which details the trainers or course names, the number of instructional hours and the cost of the training.
- n) A project budget summary listing administration, internal instructor wages and fringe benefits, tuition costs, trainee wages and fringe benefits, training materials and other costs. **Trainee-and-instructor costs:** The budget summary shall contain the total training costs, the local/company share, other sources of training assistance and the amount requested from the Industrial Training Program.
- o) A budget narrative detailing how each line item in the budget summary was obtained and how the costs of each line item will be tracked and documented.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 2650.330 Application Evaluation

The Department shall screen all applications to determine if all requirements of the application package have been addressed. Complete applications shall be reviewed and evaluated comparatively by Department staff. This review and evaluation process will be completed within 75 working days after receipt of all required information. Department staff shall conduct a technical and programmatic evaluation of each application.

- a) Technical/Programmatic Evaluation Component -- Each application shall be reviewed to assure compliance with technical program requirements as detailed in Section 2650.30.
- b) Application Evaluation -- Those applications determined eligible for funding based on the evaluation process described in subsection (a) above shall be evaluated according to the following criteria:
 - 1) Project readiness (e.g., time schedule for project initiation);
 - 2) The number of participating companies and the number of employees of those participating companies who will receive training;
 - 3) The cost effectiveness of the training (e.g., cost per trainee or cost per business);
 - 4) New capital investment by participating companies;
 - 5) How closely the training is related to the nature of the business process and the transferability of the skills obtained from the training;
 - 6) Other significant benefits or impact (e.g., project is for high technology, quality and/or productivity improvements or export oriented, job retention or improving business competitiveness);
 - 7) Level of performance by applicant organization and/or participating employers under previous industrial training Program grant awards;

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

- 8) Evaluation measures utilized to determine the effectiveness of the training (e.g., the identification of quantifiable training outcome measures); and
- 9) Extent to which the project demonstrates that it is employer driven; and
- 10) In making grant awards to original equipment manufacturers (OEM) for supplier training programs, the Director shall take into consideration the extent to which applications demonstrate advanced consultation between organized labor and management; specify procedures that provide equitable access to training for existing supplier firms; and demonstrate that the proposed training will not result in the transfer of work from the OEM to supplier firms that, in turn, results in the displacement of OEM's existing labor force. Notwithstanding these considerations, the Department may make grant awards if both labor and management support the award. The Department shall make grant awards to OEMs for supplier training only when those awards will not negatively impact the labor-management relationship. Further, the Department shall retain the responsibility to review and approve the final curricula and list of supplier firms to receive training under all grant awards. ~~Percent-of-cash-contribution-by-participating-companies--to--the total-or-company-share-of-the-grant-(matching-contribution);~~

(Source: Amended at 24 Ill. Reg. _____, effective _____)

OFFICE OF THE COMPTROLLER

NOTICE OF PROPOSED REPEAL

- 1) Heading of the Part: Public Radio and Television Station Grants
- 2) Code Citation: 74 Ill. Adm. Code 280
- 3) Section Numbers:
 280.5 Proposed Action:
 280.5 Repeal
 280.10 Repeal
 280.15 Repeal
 280.20 Repeal
 280.25 Repeal
 280.30 Repeal
 280.35 Repeal
 APPENDIX A Repeal
 APPENDIX B Repeal
- 4) Statutory Authority: 30 ILCS 745
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking repeals a Part made obsolete by the enactment of P.A. 91-0025 which shifts administration of the grant program from the Illinois Office of the Comptroller to the Illinois Arts Council.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:
- Whitney Wagner Rosen, Legislative Counsel
 Office of the Comptroller
 201 State Capitol
 Springfield, Illinois 62706
 217-782-0905
- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None

OFFICE OF THE COMPTROLLER
NOTICE OF PROPOSED REPEALER

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: Repeal of this Part was overlooked during the transition from Comptroller Didrickson to Comptroller Hynes.

The full text of the Proposed Repealer begins on the next page:

ILLINOIS REGISTER

OFFICE OF THE COMPTROLLER
NOTICE OF PROPOSED REPEALER
TITLE 74: PUBLIC FINANCE
CHAPTER II: COMPTROLLER

PART 280

PUBLIC RADIO AND TELEVISION STATION GRANTS (REPEALED)

Section	Foreword
280.5	Definitions
280.10	Operating Grants
280.15	Applications Content
280.20	Grant Limitations
280.25	Application Times
280.30	Compliance Audits
280.35	

APPENDIX A Corporation for Public Broadcasting Qualification Criteria for Radio Community Service Grants
APPENDIX B Corporation for Public Broadcasting Qualification Criteria for Television Community Service Grants

AUTHORITY: Implementing and authorized by "AN ACT to provide for state grants to certain public radio and television stations in the State of Illinois and for related purposes" (Ill. Rev. Stat. 1989, ch. 127, par. 1551 et seq.).

SOURCE: Adopted at 4 Ill. Reg. 37, p. 597, effective August 29, 1980; codified at 5 Ill. Reg. 10598; amended at 10 Ill. Reg. 10115, effective May 28, 1986; amended at 13 Ill. Reg. 4664, effective March 22, 1989; amended at 13 Ill. Reg. 14038, effective August 29, 1989; amended at 15 Ill. Reg. 8696, effective June 4, 1991; repealed at 24 Ill. Reg. _____, effective _____.

Section 280.5 Foreword

For the purpose of administering a program of grants to Illinois public radio and television stations pursuant to "AN ACT to provide for State grants to certain public radio and television stations in the State of Illinois and for related purposes" (Public Act 84-1040, effective November 26, 1985), this Part is promulgated:

Section 280.10 Definitions

"Act" means "AN ACT to provide for State grants to certain public radio and television stations in the State of Illinois and for related purposes" (Ill. Rev. Stat. 1989, ch. 127, par. 1551 et seq.).

"Actual Operating Cost" means the total sum expended for the operations and maintenance of an Illinois public radio or television station during the station's fiscal year ending prior to October 1 of

OFFICE OF THE COMPTROLLER

NOTICE OF PROPOSED REPEALER

the fiscal year for which funds are appropriated for grants under this Act, and includes programming and production costs, all administrative costs, all public information costs, all fund raising costs, all broadcasting costs and all in-kind expenses relating to the above. However, the term "actual operating costs" does not include the costs of acquiring real property, depreciation on real property, production costs underwritten by public broadcasting entities, costs attributable to instructional activities of the educational institution, whether on closed circuit or not, costs of operating a commercial (profit-making) business enterprise, including a for-profit subsidiary, and all in-kind expenses related to the above.

"Comptroller" means the Comptroller of the State of Illinois or his designated representative for receiving grant applications pursuant to the Act.

"Eligible station" means a public radio or television station in full-time operation which the Corporation for Public Broadcasting has determined has met its minimum grant criteria (See Appendices A and B of this Part) for eligibility to participate in the grant process before applying for a grant under the Act.

"Illinois Public Radio Station" or "Radio Station" means a non-commercial public radio broadcasting station licensed as such by the Federal Communications Commission to and operating from a community within this State which is eligible to receive grants under the Act.

"Illinois Public Television Station" or "Television Station" means a non-commercial public television broadcasting station licensed as such by the Federal Communications Commission to and operating from a community within this State which is eligible to receive grants under the Act.

"Public Broadcasting Entities" means the Corporation for Public Broadcasting, any licensee or permittee of a television or radio broadcasting station which is eligible to be licensed by the Federal Communications Commission as a non-commercial educational radio or television broadcasting station, or any non-profit institution engaged primarily in the production, acquisition, distribution, or dissemination of educational and cultural television or radio programs.

"Station" means any eligible radio or television station.

Section 280.15 Operating Grants

Each eligible station shall receive an annual operating support grant amounting

OFFICE OF THE COMPTROLLER

NOTICE OF PROPOSED REPEALER

to a pro-rata share of 70% of the grant pool for which it is eligible and appropriated by the General Assembly. This share shall bear the same ratio to 70% of the grant pool from which it came as the station's actual operating cost bore in the previous fiscal year to the aggregate of such operating cost for all eligible stations for that year.

Section 280.20 Applications Content

- a) Any eligible station seeking a grant pursuant to the Act shall send 3 copies of each of the documents described in subsections (b) through (h) to:

Public Radio/Television Assistance Grant
Office of the Comptroller
State of Illinois
201 Capitol Building
Springfield, Illinois 62706

- b) A Preliminary Certification Statement, indicating that the station has met the minimum grant criteria of the Corporation for Public Broadcasting before applying for a grant under the Act.

- c) General Information and Cover Page identifying the name, address, telephone number and call letters of the station and indicating the enclosure of all appropriate schedules and other supporting information.

- d) A certification of Grant Request executed in two parts:

- 1) one by the station manager or chief executive officer which certifies that the applicant

A) has accurately stated actual operating costs which are detailed on schedules B and D of the application, and
B) will abide by the terms and conditions of the grant, including granting access to the station's accounting records to the Comptroller's Office and not using grant funds for the purpose of general institutional overhead or parent organization expenses, which shall be categorized as follows:

- i) long term investments;
ii) capital improvements on real property and fixed assets;

- iii) land acquisition;

- iv) purchase of buildings;

- v) overhead costs of parent institution.

- 2) and the second part executed by a certified public accountant which expresses the opinion that the operating costs of the station are accurate and comply with this Part. (Provide as Schedule A)

- e) A detailed statement of the applicant's Actual Operating Costs during the fiscal year preceding the application. (Provide as Schedule B)

- f) A schedule of Other Eligible Costs, qualifying as such by reason of this Part, which may arise by allocation to the station of Eligible

OFFICE OF THE COMPTROLLER

NOTICE OF PROPOSED REPEALER

Operating Costs appearing in the University's financial statement which are attributable to the station. (Provide as Schedule C)

- g) A schedule of Ineligible Costs, qualifying as such by reason of this Part, which may also include costs incurred by the station which are attributable to the general operation of the University. (Provide as Schedule D)

- h) Such other supporting information as may be requested by the Comptroller.

Section 280.25 Grant Limitations

No station shall in any year be allocated funds in excess of one-half of its actual operating cost for the prior fiscal year, nor shall any station be allocated more than 60% of all funds in its grant pool. Those funds not obligated by virtue of these limitations shall be distributed to the remaining stations in accordance with the provisions of Section 280.15.

Section 280.30 Application Times

Unless a written request for an extension of time beyond February 1 to a specified date is approved by the Comptroller for good cause shown, an application for grant shall be made on or before February 1 of each year that appropriations have been made available to the Comptroller for distribution pursuant to the Act.

Section 280.35 Compliance Audits

In the event that funds be discontinued for the Grants program, or a station decides not to reapply, it is the responsibility of the station to provide the Comptroller's Office with a C.P.A. certified disclosure that actual grant expenditures are fairly stated and comply with the administrative rules of the State of Illinois, Office of the Comptroller, for Public Radio and Television Station Grants, 74 Ill. Adm. Code 280. Certified disclosure is to be made on Schedule G -- Statement of Grant Expenditures and Certification for Final Year of Participation. Schedule G is included among the schedules which comprise the grant application sent to eligible, participating stations each year.

OFFICE OF THE COMPTROLLER

NOTICE OF PROPOSED REPEALER

Section 280. APPENDIX A Corporation for Public Broadcasting Qualification Criteria for Radio Community Service Grants

- a) Licensing and Power: The station must be designated by the Federal Communications Commission as a noncommercial, educational radio station. The station must have transmitter power sufficient to provide primary signal coverage in the community of license.

- b) Management and Staff: The following conditions must be satisfied:

- 1) A minimum of five full-time professional radio station staff must be employed on an annual (12 month) basis. At least three full-time staff members should be employed in managerial and/or programming positions. Minimum staff cannot be paid with Community Service Grant funds.

- 2) Full-time, professional, radio station staff includes permanent personnel with demonstrated skill and expertise in the management, programming, production, promotion, development, or engineering areas of radio station operation, paid no less than the minimum federal hourly wage plus regular health benefits, whose terms of employment require the exercise of full-time duties in one or more of these areas. The term "full-time" will be understood to be the number of hours that constitute the normal acceptable work week at each institution or station.

- 3) Custodial and clerical staff, students whose student status is a condition of employment, interns and trainees, do not meet the definition of this criterion, nor do personnel teaching or holding academic duties in excess of the equivalent of one three-hour credit course per quarter or semester.

- 4) Persons employed on a non-permanent basis, such as on a public service employment training grant, cannot be considered full-time professional radio station staff to meet this criterion.

- c) Facilities: A station must have sufficient, professionally equipped on-air and production facilities to allow for broadcast of programming of high technical quality including the capability for simultaneous local production and origination. In addition, sufficient office space must be provided. The station's minimum operational schedule must be 18 consecutive hours per day, 365 days per year. However, AM stations which are restricted by the terms of their licenses to less than the minimum broadcast schedule required by the CPB policy will be eligible for assistance if all other criteria are met.

- d) Broadcast Operations: The station's minimum operational schedule must be 18 consecutive hours per day, 365 days per year. However, AM stations which are restricted by the terms of their licenses to less than the minimum broadcast schedule required by the CPB policy will be eligible for assistance if all other criteria are met.

- e) Programming: The following conditions must be satisfied:

- 1) The station's daily broadcast schedule must be devoted primarily to general audience programming of good quality which serves demonstrated community needs of an educational, informational, and cultural nature, within its primarily signal area.

- 2) A program schedule designed to further the principles of religious philosophies does not meet the definition of this criterion.

OFFICE OF THE COMPTROLLER

NOTICE OF PROPOSED REPEALER

- 3) A program schedule designed primarily for in-school or professional in-service audiences does not meet the definition of this criterion.
- 4) Stations licensed to political organizations do not meet the definition of this criterion.
- 5) Radio applicants in areas served by a CPB-qualified radio station must propose a substantially different program service from the existing CPB-qualified station(s) in the area and clearly identify the varying needs and interests of the audience to be served. For the purposes of this criterion, counter-scheduling programs already available from a CPB qualified station in the market does not, by itself, constitute a substantially different service.
- 6) The station must originate a significant, locally produced program service designed to service its community of license.
- f) Non-Federal Income: Each grantee must have a minimum non-federal annual income of \$150,000.

OFFICE OF THE COMPTROLLER

NOTICE OF PROPOSED REPEALER

Section 280.APPENDIX B Corporation for Public Broadcasting Qualification Criteria for Television Community Service Grants

- a) Management: Each grantee must have a staff headed by a manager or other chief executive officer who:
 - 1) has the responsibility and authority to determine when and what material shall be broadcast over the station; and
 - 2) has the responsibility and authority to administer disbursements under a budget authorized by the governing board of the licensee.
- b) Staff: The following conditions must be satisfied:
 - 1) Each grantee must have no less than ten staff, which includes five full-time staff with regular health benefits, one of which is the manager or chief executive officer, and the equivalent of five additional full-time personnel, paid no less than the minimum federal hourly wage. The term "full-time" will be understood to be the number of hours that constitute the normal acceptable work week at each institution or station. Likewise, each "equivalent full-time" position will mean equal to the number of hours for a normal work week at each station.
 - 2) Minimum staff cannot be paid with Community Service Grant funds.
 - 3) Persons employed on a non-permanent basis, such as on a public service employment training program grant or a CPA training grant, cannot be considered full-time professional television station staff to meet this criteria.
 - 4) Personnel used to meet the five full-time staff requirement may not teach or hold academic duties in excess of the equivalent of one three credit hour course per quarter or semester.
 - c) Joint or Dual Licensee: When more than one grantee is operated by one licensee, each such grantee in addition to the above, must be headed by a manager or other chief executive officer who reports directly to the governing board of the licensee; or in the case of university licensees, each general manager should report on an equal basis to the next level of governing superiors.
 - d) Non-Federal Income: Each grantee must have a minimum non-federal annual income of \$300,000.
 - e) Studio/Production Facilities: Each grantee must have studio and production facilities and regularly produce and broadcast locally originated programming.
 - f) Broadcast Operations: Each grantee must:
 - 1) during the first full year of on-air operation commencing immediately following issuance of Program Test Authority, broadcast on a minimum schedule of six days per week, fifty-two weeks per year, for a total of at least 2,500 hours or 48 hours a week and
 - 2) for all stations during the second such full year of operation and in all succeeding years, broadcast on a schedule of seven days per week, fifty-two weeks per year, for a total of at least 3,000 hours or 57 hours a week.

OFFICE OF THE COMPTROLLER

NOTICE OF PROPOSED REPEAL

9) Programming: The following conditions must be satisfied:

- 1) The station's daily broadcast schedule must be devoted primarily to programming of good quality which serves demonstrated community needs of an educational, informational and cultural nature, within its primary signal area.
- 2) A program schedule designed to further the principles of religious philosophies does not meet the definition of this criterion.
- 3) Stations licensed to political organizations do not meet the definition of this criterion.
- 4) CPB will provide Community Service Grant assistance to all eligible television stations that meet current criteria regardless of overlapping broadcast signals. However, a grantee seeking qualification in a market where a CPB-qualified television station already exists must demonstrate the intention to provide a substantially different program service or a new service to a substantial number of unserved homes. For the purpose of this criterion, counter-scheduling programs already available from a CPB-qualified station in the market does not, by itself, constitute a substantially different service.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Administration
- 2) Code Citation: 59 Ill. Adm. Code 101
- 3) Section Numbers: 101.110
Proposed Action: Repealed
- 4) Statutory Authority: Implementing the Illinois Grant Funds Recovery Act [30 ILCS 705] and Section 10-10 of the Illinois Administrative Procedure Act [5 ILCS 100/10-10].
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking is part of the Department of Human Services actions to provide a uniform set of rules in the area of Grant and Grant Fund Recovery for DHS service providers. There are approximately 2000 community agencies under contract to deliver services to DHS clients. Since the inception of the Department these agencies have been subject to a variety of administrative rule requirements regarding grant fund recovery. This repeal of current DHS rules is needed to implement the common DHS rulemaking.
- 6) Will this proposed amendment replace an emergency amendment currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing services to DHS clients under contracts or agreements with the Department.
- B) Reporting, bookkeeping or other procedures required for compliance: The rule spells out these requirements.
- C) Types of professional skills necessary form compliance: Sound administrative and fiscal practices.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not include on either of the 2 most recent agendas because: This rulemaking was not anticipated at the time of development of the January 2000 Regulatory Agenda.

The full text of the Proposed Repealer is identical to the emergency amendment on page **0207** of this issue of the *Illinois Register*.

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

<u>Heading of the Part: Award and Monitoring of Funds</u>	
<u>Code Citation: 77 Ill. Adm. Code 2030</u>	<u>Proposed Action:</u>
<u>Section Numbers:</u>	Amend
2030.20	Repeal
2030.320	Amend
2030.330	Amend
2030.340	Repeal
2030.350	Repeal
2030.360	Repeal
2030.420	Repeal
2030.540	Repeal
2030.610	Repeal
2030.710	Repeal
2030.720	Repeal
2030.730	Repeal
2030.740	Repeal
2030.760	Repeal
2030.810	Amend
2030.1010	Repeal
2030.1020	Repeal
2030.1030	Repeal
2030.1040	Repeal
2030.1050	Repeal
2030.1060	Repeal
2030.1070	Repeal
2030.1080	Repeal
2030.1110	Repeal
2030.1120	Repeal
2030.1130	Repeal
2030.1140	Repeal
2030.1150	Repeal
2030.1215	Repeal
2030.1225	Repeal

- 4) Statutory Authority: Authorized by the Illinois Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301].

- 5) A Complete Description of the Subjects and Issues involved: This proposed rulemaking will amend or repeal several Sections in this Part. These repeals are part of the Department's actions to create a common and provide a uniform set of rules in the area of Grants and Grant Funds Recovery and Fiscal/Administrative Recordkeeping and Requirements for DHS service providers. There are approximately 2000 community agencies under contract to deliver services to DHS clients. Since the inception of the Department these agencies have been subject to a variety of administrative rule requirements regarding grant fund recovery. This rulemaking, along

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

with the creation, amendment and repeal of other DHS rules, will provide these rules.

- 6) Will this proposed amendment replace an emergency amendment currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing services to DHS clients under contracts or agreements with the Department.

B) Reporting, bookkeeping or other procedures required for compliance: The rule spells out these requirements.

C) Types of professional skills necessary form compliance: Sound administrative and fiscal practices.

- 13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments that appear on page **9213** of this issue of the *Illinois Register*.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Criteria for the Evaluation of Programs of Services in Community Rehabilitation Agencies

2) Code Citation: 89 Ill. Adm. Code 530

3) Section Numbers: 530.110
Proposed Action: Amend

- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ICS 2405/3] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ICS 5/5-625].

- 5) A Complete Description of the Subjects and Issues involved: This proposed rulemaking is part of the Department of Human Services actions to provide a uniform set of specific expectations in the area of Fiscal and Administrative Recordkeeping and Requirements for DHS service providers. There are approximately 2000 community agencies under contract to deliver services to DHS clients. Since the inception of the Department these agencies have been subject to a variety of administrative rule requirements regarding fiscal and administrative practices. This rulemaking, along with the amendment or repeal of current DHS rules, will provide these rules.

- 6) Will this proposed amendment replace an emergency amendment currently in effect? Yes

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762
Telephone number: (217) 785-9772

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing services to DHS clients under contracts or agreements with the Department.

B) Reporting, bookkeeping or other procedures required for compliance: The amendment spells out these requirements.

C) Types of professional skills necessary form compliance: Sound administrative and fiscal practices.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: It was not anticipated by the Department when the 2 most recent regulatory agendas were published.

The full text of the Proposed Amendments is identical to the Emergency Amendments on page ~~0247~~ of this issue of the Illinois Register.

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Fiscal/Administrative Recordkeeping and Requirements
- 2) Code Citation: 89 Ill. Adm. Code 509
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
509.10	New Section
509.15	New Section
509.20	New Section
509.30	New Section
509.40	New Section
509.50	New Section
509.60	New Section
509.70	New Section
509.80	New Section
509.90	New Section
509.100	New Section
509.110	New Section
- 4) Statutory Authority: Implementing and authorized by the Department of Human Services Act (20 ILCS 1305).

5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking provides a uniform set of specific expectations in the area of Fiscal and Administrative Recordkeeping and Requirements for DHS service providers. There are approximately 2000 community agencies under contract to deliver services to DHS clients. Since the inception of the Department these agencies have been subject to a variety of administrative rule requirements regarding fiscal and administrative practices. This rulemaking, along with the amendment or repeal of current DHS rules, will provide these rules.

6) Will this proposed rule replace an emergency amendment currently in effect? Yes

7) Does this rulemaking contain an automatic repeal data? No

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other rule pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing services to DHS clients under contracts or agreements with the Department.

B) Reporting, bookkeeping or other procedures required for compliance: The rule spells out these requirements.

C) Types of professional skills necessary form compliance: Sound administrative and fiscal practices.

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Rule is identical to the Emergency Rule on page 8252 of this issue of the Illinois Register.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Grants2) Code Citation: 59 Ill. Adm. Code 1033) Section Numbers:

103.25	Proposed Action:
103.30	Repeal
103.30	Repeal
103.50	Amend
103.60	Repeal
103.90	Repeal
103.100	Repeal
103.110	Repeal
103.165	Repeal
103.190	Repeal
103.210	Amend

4) Statutory Authority: Implementing Sections 15, 34, and 34.1 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15, 34, and 34.1] and the Community Services Act [405 ILCS 30] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking is part of the Department of Human Services actions to provide a uniform set of rules in the area of Fiscal/Administrative Recordkeeping and Requirements for DHS service providers. There are approximately 2000 community agencies under contract to deliver services to DHS clients. Since the inception of the Department these agencies have been subject to a variety of administrative rule requirements regarding fiscal and administrative recordkeeping and requirements. This repeal of these current DHS rules is needed to implement the common DHS rule.6) Will this proposed amendment replace an emergency amendment currently in effect? Yes7) Does this rulemaking contain an automatic repeal date? No8) Does this proposed amendment contain incorporations by reference? No9) Are there any other amendments pending on this Part? No10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the Illinois

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Register. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing services to DHS clients under contracts or agreements with the Department.

B) Reporting, bookkeeping or other procedures required for compliance: The rule spells out these requirements.

C) Types of professional skills necessary form compliance: Sound administrative and fiscal practices.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was no included on either or the 2 most recent agendas because: This rulemaking was not anticipated at the time of the development of the January 2000 Regulatory Agenda.

The full text of the Proposed Amendments is identical to the Emergency Amendments on page 8265 of this issue of the Illinois Register.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

1) Heading of the Part: Grants and Grant Funds Recovery

2) Code Citation: 89 Ill. Adm. Code 511

Section Numbers:	Proposed Action:
511.10	New Section
511.15	New Section
511.20	New Section
511.30	New Section
511.40	New Section
511.50	New Section
511.60	New Section

4) Statutory Authority: Implementing and authorized by the Department of Human Services Act [20 ILCS 1305] and implementing the Illinois Grant Funds Recovery Act [30 ILCS 705].

5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking provides a uniform set of rules in the area of Grants and Grant Funds Recovery for DHS service providers. There are approximately 2000 community agencies under contract to deliver services to DHS clients. Since the inception of the Department these agencies have been subject to a variety of administrative rule requirements regarding grant fund recovery. This rulemaking, along with the amendment or repeal of current DHS rules, will provide these rules.

6) Will this proposed rule replace an emergency rule currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other rules pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

Springfield IL 62762
Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: those providing services to DHS clients under contracts or agreements with the Department.
- B) Reporting, bookkeeping or other procedures required for compliance: The rule spells out these requirements.
- C) Types of professional skills necessary form compliance: Sound administrative and fiscal practices.

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Rules is identical to the text of the Emergency Rules on page **9280** of this issue of the *Illinois Register*.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Primary Drinking Water Standards

2) Code citation: 35 Ill. Adm. Code 611

3) Section Numbers: Proposed Action:

611.102	Amend
611.310	Amend
611.359	Amend
611.490	Amend
611.511	New
611.512	New
611.526	Amend
611.531	Amend
611.611	Amend
611.612	Amend
611.645	Amend
611.646	Amend
	New

APPENDIX I

4) Statutory authority: 415 ILCS 5/7.2, 17, 17.5, and 27.

- 5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of June 8, 2000, proposing amendments in consolidated dockets R00-10 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois drinking water regulations based on the Federal Safe Drinking Water Act (SDWA), 42 USC 300f et seq. (1998), rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the *Federal Register* during a single update period. The docket and time period that is involved in this proceeding is the following:

R00-10 United States Environmental Protection Agency
SDWA amendments that occurred during the
period July 1, 1999, through December 1, 1999.

The R00-10 docket amends rules in Part 611. The following table briefly summarizes the federal actions in the update period:

64 Fed. Reg. 50556
(September 17, 1999)

Revisions to the Unregulated Contaminant
Monitoring Regulation for Public Water. The
USEPA adopted amendments requiring public
water supplies to monitor for unregulated
drinking water contaminants. The USEPA

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

adopted the amendments under section 1445(a) of SWMA.

64 Fed. Reg. 67450
(December 1, 1999)
National Primary and Secondary Drinking Water Regulations: Analytical Methods for Chemical and Microbiological Contaminants and Revisions to Laboratory Certification Requirements. The USEPA amended the rules setting forth the analytical methods approved for use in demonstrating compliance with the SWMA requirements.

Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? Yes. The existing rules include a number of incorporations by reference. The present amendments include a routine periodic update to the version of some of the federal documents incorporated by reference. Finally, the present amendments include new documents incorporated by reference.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may own or operate a public water supply. These mandates are, however, identical-in-substance to mandates imposed by Federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R00-10 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Address all questions to Steven C. Langhoff at (217) 782-2615

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Request copies of the Board's opinion and order from Patricia Jones, at 312-814-3620.

Additionally, copies of the Board's opinion and order may be downloaded from the Board's web site at <http://www.ipcb.state.il.us>

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that own or operate a public water supply.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of reports, water analyses, and maintenance of operating records.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

13) Regulatory Agenda on which this rulemaking was summarized: Jan. 2000

The full text of the proposed amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD

PART 611

PRIMARY DRINKING WATER STANDARDS

SUBPART A: GENERAL

Section	Purpose, Scope and Applicability
611.100	Definitions
611.101	Incorporations by Reference
611.102	Severability
611.103	Agency Inspection of PWS Facilities
611.107	Delegation to Local Government
611.108	Enforcement
611.109	Special Exception Permits
611.110	Relief Equivalent to SDWA Section 1415(a) Variances
611.111	Relief Equivalent to SDWA Section 1416 Exemptions
611.112	Alternative Treatment Techniques
611.113	Siting Requirements
611.114	Source Water Quantity
611.115	Effective dates
611.120	Maximum Contaminant Levels and Finished Water Quality
611.121	Fluoridation Requirement
611.125	Prohibition on Use of Lead
611.126	Special Requirements for Certain Variances and Adjusted Standards
611.130	Relief Equivalent to SDWA Section 1415(e) Small System Variance
611.131	Composite Correction Program
611.160	

SUBPART B: FILTRATION AND DISINFECTION

Section	Requiring a Demonstration
611.201	Procedures for Agency Determinations
611.202	Filtration Required
611.211	Groundwater under Direct Influence of Surface Water
611.212	No Method of HPC Analysis
611.213	General Requirements
611.220	Filtration Effective Dates
611.230	Source Water Quality Conditions
611.231	Site-specific Conditions
611.232	Treatment Technique Violations
611.233	Disinfection
611.240	Unfiltered PWS
611.241	Filtered PWS
611.242	Filtration
611.250	

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Unfiltered PWSs: Reporting and Recordkeeping
Filtered PWSs: Reporting and Recordkeeping
Protection during Repair Work
Disinfection following Repair

SUBPART C: USE OF NON-CENTRALIZED TREATMENT DEVICES

Section	Point-of-Entry Devices
611.280	Use of Point-of-Use Devices or Bottled Water
611.290	

SUBPART D: TREATMENT TECHNIQUES

Section	General Requirements
611.295	Acrylamide and Epichlorohydrin
611.296	Corrosion Control
611.297	

SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCLs) AND
MAXIMUM RESIDUAL DISINFECTANT LEVELS (MRDLs)

Section	Old MCLs for Inorganic Chemicals
611.300	Revised MCLs for Inorganic Chemicals
611.301	Old Maximum Contaminant Levels (MCLs) for Organic Chemicals
611.310	Revised MCLs for Organic Contaminants
611.311	Maximum Contaminant Levels (MCLs) for Disinfection Byproducts (DBPs)
611.312	Maximum Residual Disinfectant Levels (MRDLs)
611.313	Turbidity
611.320	Microbiological Contaminants
611.325	Radium and Gross Alpha Particle Activity
611.330	Beta Particle and Photon Radioactivity
611.331	

SUBPART G: LEAD AND COPPER

Section	General Requirements
611.350	Applicability of Corrosion Control
611.351	Corrosion Control Treatment
611.352	Source Water Treatment
611.353	Lead Service Line Replacement
611.354	Public Education and Supplemental Monitoring
611.355	Tap Water Monitoring for Lead and Copper
611.356	Monitoring for Water Quality Parameters
611.357	Analytical Methods
611.358	Monitoring for Lead and Copper in Source Water
611.359	Reporting
611.360	Recordkeeping
611.361	

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART I: DISINFECTANT RESIDUALS, DISINFECTION BYPRODUCTS, AND
DISINFECTION BYPRODUCT PRECURSORS

Section

611.380	General Requirements
611.381	Analytical Requirements
611.382	Monitoring Requirements
611.383	Compliance Requirements
611.384	Reporting and Recordkeeping Requirements
611.385	Treatment Technique for Control of Disinfection Byproduct (DBP) Precursors

SUBPART K: GENERAL MONITORING AND ANALYTICAL REQUIREMENTS

Section

611.480	Alternative Analytical Techniques
611.490	Certified Laboratories
611.491	Laboratory Testing Equipment
611.500	Consecutive PWSs
611.510	Special Monitoring for Unregulated Contaminants
611.511	Reporting of Unregulated Contaminant Monitoring Results
611.512	Monitoring Requirements for Unregulated Contaminants

SUBPART L: MICROBIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Section

611.521	Routine Coliform Monitoring
611.522	Repeat Coliform Monitoring
611.523	Invalidation of Total Coliform Samples
611.524	Sanitary Surveys
611.525	Fecal Coliform and E. Coli Testing
611.526	Analytical Methodology
611.527	Response to Violation
611.531	Analytical Requirements
611.532	Unfiltered PWSs
611.533	Filtered PWSs

SUBPART M: TURBIDITY MONITORING AND ANALYTICAL REQUIREMENTS

Section

611.560	Turbidity
---------	-----------

SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section

611.591	Violation of State MCL
611.592	Frequency of State Monitoring
611.600	Applicability

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART P: THM MONITORING AND ANALYTICAL REQUIREMENTS

611.601	Monitoring Frequency
611.602	Asbestos Monitoring Frequency
611.603	Inorganic Monitoring Frequency
611.604	Nitrate Monitoring
611.605	Nitrite Monitoring
611.606	Confirmation Samples
611.607	More Frequent Monitoring and Confirmation Sampling
611.608	Additional Optional Monitoring
611.609	Determining Compliance
611.610	Inorganic Monitoring Times
611.611	Inorganic Analysis
611.612	Monitoring Requirements for Old Inorganic MCLs
611.630	Special Monitoring for Sodium
611.631	Special Monitoring for Inorganic Chemicals

SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section

611.640	Definitions
611.641	Old MCLs
611.645	Analytical Methods for Organic Chemical Contaminants
611.646	Phase I, Phase II, and Phase V Volatile Organic Contaminants
611.647	Sampling for Phase I Volatile Organic Contaminants (Repealed)
611.648	Phase II, Phase IIB, and Phase V Synthetic Organic Contaminants
611.650	Monitoring for 36 Contaminants (Repealed)
611.657	Analytical Methods for 36 Contaminants (Repealed)
611.658	Special Monitoring for Organic Chemicals

SUBPART P: THM MONITORING AND ANALYTICAL REQUIREMENTS

Section

611.680	Sampling, Analytical and other Requirements
611.683	Reduced Monitoring Frequency
611.684	Averaging
611.685	Analytical Methods
611.686	Modification to System
611.687	Sampling for THM Potential
611.688	Applicability Dates

SUBPART Q: RADIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Section

611.720	Analytical Methods
611.731	Gross Alpha
611.732	Mammade Radioactivity

SUBPART R: ENHANCED FILTRATION AND DISINFECTION

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section

- 611.740 General Requirements
 611.741 Standards for Avoiding Filtration
 611.742 Disinfection Profiling and Benchmarking
 611.743 Filtration
 611.744 Filtration Sampling Requirements
 611.745 Reporting and Recordkeeping Requirements

SUBPART T: REPORTING, PUBLIC NOTIFICATION AND RECORDKEEPING

Section

- 611.830 Applicability
 611.831 Monthly Operating Report
 611.832 Notice by Agency
 611.833 Cross Connection Reporting
 611.840 Reporting
 611.841 Reporting MCL, MRDL, and other Violations
 611.852 Reporting other Violations
 611.853 Notice to New Billing Units
 611.854 General Content of Public Notice
 611.855 Mandatory Health Effects Language
 611.856 Fluoride Notice
 611.858 Fluoride Secondary Standard
 611.860 Record Maintenance
 611.870 List of 36 Contaminants

SUBPART U: CONSUMER CONFIDENCE REPORTS

Section

- 611.881 Purpose and Applicability of this Subpart
 611.882 Compliance Dates
 611.883 Content of the Reports
 611.884 Required Additional Health Information
 611.895 Report Delivery and Recordkeeping

APPENDIX A

Mandatory Health Effects Information

APPENDIX B

Percent Inactivation of *G. Lamblia* Cysts

APPENDIX C

Common Names of Organic Chemicals

APPENDIX D

Defined Substrate Method for the Simultaneous Detection of

APPENDIX E

Total Coliforms and *Escherichia Coli* from Drinking Water

APPENDIX F

Mandatory Lead Public Education Information

APPENDIX G

Converting Maximum Contaminant Level (MCL) Compliance Values

APPENDIX H

for Consumer Confidence Reports

APPENDIX I

Regulated Contaminants

APPENDIX J

Health Effects Language

TABLE A

Quality Control Requirements for Testing All Samples Collected

TABLE B

Total Coliform Monitoring Frequency

TABLE C

Fecal or Total Coliform Density Measurements

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TABLE C

Frequency of RDC Measurement

TABLE D

Number of Lead and Copper Monitoring Sites

TABLE E

Lead and Copper Monitoring Start Dates

TABLE F

Number of Water Quality Parameter Sampling Sites

TABLE G

Summary of Monitoring Requirements for Water Quality Parameters(1)

TABLE H

Federal Effective Dates

AUTHORITY: Implementing Sections 7-2, 17, and 17.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 17, 17.5, and 27].

SOURCE: Adopted in R88-26 at 14 Ill. Reg. 16517, effective September 20, 1990; amended in R90-21 at 14 Ill. Reg. 20448, effective December 11, 1990; amended in R90-13 at 15 Ill. Reg. 1562, effective January 22, 1991; amended in R91-3 at 16 Ill. Reg. 19010, effective December 1, 1992; amended in R92-3 at 17 Ill. Reg. 7796, effective May 18, 1993; amended in R93-1 at 17 Ill. Reg. 12650, effective July 23, 1993; amended in R94-4 at 18 Ill. Reg. 12291, effective July 28, 1994; amended in R94-23 at 19 Ill. Reg. 8613, effective June 20, 1995; amended in R95-17 at 20 Ill. Reg. 14493, effective October 22, 1996; amended in R98-2 at 22 Ill. Reg. 5020, effective March 5, 1998; amended in R99-6 at 23 Ill. Reg. 2756, effective February 17, 1999; amended in R99-12 at 23 Ill. Reg. 10349, effective August 11, 1999; amended in R00-8 at 23 Ill. Reg. 14715, effective December 8, 1999; amended in R00-10 at 24 Ill. Reg. _____, effective _____.

NOTE: In the chemical notations and footnotes in this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; SUM means the summation series or sigma function as used in mathematics; and u (in ug) is substituted for the Greek symbol mu.

SUBPART A: GENERAL

Section 611.102 Incorporations by Reference

a) Abbreviations and short-name listing of references. The following names and abbreviated names, presented in alphabetical order, are used in this Part to refer to materials incorporated by reference:

"Amco-ARPH-1 Polymer" is available from Advanced Polymer Systems.

"ASTM Method" means a method published by and available from the American Society for Testing and Materials (ASTM).

"Colisure Test" means "Colisure Presence/Absence Test for Detection and Identification of Coliform Bacteria and *Escherichia Coli* in Drinking Water", available from Millipore Corporation, Technical Services Department.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Dioxin and Furan Method 1613" means "Tetra- through Octa-Chlorinated Dioxins and Furans by Isotope-Dilution HRGC/HRMS", available from NTIS.

"GLI Method 2" means GLI Method 2, "Turbidity", Nov. 2, 1992, available from Great Lakes Instruments, Inc.

"Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems Using Surface Water Sources", available from USEPA Science and Technology Branch.

"HSL Procedure Manual" means HSL Procedure Manual, HASL 300, available from ERDA Health and Safety Laboratory.

"Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure", NCRP Report Number 22, available from NCRP.

"NCRP" means "National Council on Radiation Protection".

"NTIS" means "National Technical Information Service".

"New Jersey Radium Method" means "Determination of Radium 228 in Drinking Water", available from the New Jersey Department of Environmental Protection.

"New York Radium Method" means "Determination of Ra-226 and Ra-228 (Ra-02)", available from the New York Department of Public Health.

"ONGP-MUG Test" (meaning "minimal medium ortho-nitrophenyl-beta-D-galactopyranoside-4-methyl-umbelliferyl-beta-D-glucuronide test"), also called the "Autoanalysis Colilert System", is Method 9223, available in "Standard Methods for the Examination of Water and Wastewater", 18th ed., from American Public Health Association.

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions", available from NTIS.

"Radiochemical Methods" means "Interim Radiochemical Methodology for Drinking Water", available from NTIS.

"Standard Methods", means "Standard Methods for the Examination of Water and Wastewater", available from the American Public Health Association or the American Waterworks Association.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Technical Bulletin 601" means "Technical Bulletin 601, Standard Method of Testing for Nitrate in Drinking Water", July 1994, available from Analytical Technology, Inc.

"Technicon Methods" means "Fluoride in Water and Wastewater", available from Technicon.

"USDO Manual" means "EML Procedures Manual", available from the United States Department of Energy.

"USEPA Asbestos Methods-100.1" means Method 100.1, "Analytical Method for Determination of Asbestos Fibers in Water", available from NTIS.

"USEPA Asbestos Methods-100.2" means Method 100.2, "Determination of Asbestos Structures over 10-mm in Length in Drinking Water", available from NTIS.

"USEPA Environmental Inorganics Methods" means "Methods for the Determination of Inorganic Substances in Environmental Samples", available from NTIS; "Methods for the Determination of Inorganic Substances in Environmental Samples", August 1993, for Method 300.0; "Determination of Inorganic Anions in Drinking Water by Ion Chromatography, Revision 1.0", 1997, for Method 300.1.

"USEPA Environmental Metals Methods" means "Methods for the Determination of Metals in Environmental Samples", available from NTIS.

"USEPA Organic Methods" means "Methods for the Determination of Organic Compounds in Drinking Water", July 1991, for Methods 502.2, 505, 507, 508, 508A, 515.1, and 531.1; "Methods for the Determination of Organic Compounds in Drinking Water--Supplement I", July 1990, for Methods 506, 547, 550, 550.1, and 551; and "Methods for the Determination of Organic Compounds in Drinking Water--Supplement II", August 1992, for Methods 515.2, 524.2, 548.1, 549.1, 552.1, and 555, available from NTIS; Methods 504.1, 508.1, and 525.2 are available from EPA EMSL; "Methods for the Determination of Organic Compounds" in Drinking Water--Supplement II, August 1992, for Method 552.1; "Methods for the Determination of Organic Compounds in Drinking Water--Supplement III", August 1995, for Methods 502.2, 524.2, 551.1, and 552.2.

"USEPA Interim Radiochemical Methods" means "Interim Radiochemical Methodology for Drinking Water", EPA 600/4-75-008 (revised), March 1976. Available from NTIS.

"USEPA Radioactivity Methods" means "Prescribed Procedures for

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Measurement of Radioactivity in Drinking Water", EPA 600/4-80-032, August 1980. Available from NTIS.

"USEPA Radiochemical Analyses" means "Radiochemical Analytical Procedures for Analysis of Environmental Samples", March 1979. Available from NTIS.

"USEPA Radiochemistry Methods" means "Radiochemistry Procedures Manual", EPA 520/5-84-006, December 1987. Available from NTIS.

"USEPA Technical Notes" means "Technical Notes on Drinking Water Methods", available from NTIS.

"USEPA Methods" means "Methods of Analysis by the U.S. Geological Survey National Water Quality Laboratory--Determination of Inorganic and Organic Constituents in Water and Fluvial Sediments", available from NTIS and USGS.

"Waters Method B-1011" means "Waters Test Method for the Determination of Nitrite/Nitrate in Water Using Single Column Ion Chromatography", available from Millipore Corporation, Waters Chromatography Division.

b) The Board incorporates the following publications by reference:

Access Analytical Systems, Inc. (See Environmental, Inc.)

Advanced Polymer Systems, 3696 Haven Avenue, Redwood City, CA 94063 415-366-2626:

Anco-REPA-1 Polymer. See 40 CFR 141.22(a) (1999).
Also, as referenced in ASTM D1889.

American Public Health Association, 1015 Fifteenth Street NW, Washington, DC 20005 800-645-3476:

"Standard Methods for the Examination of Water and Wastewater", 17th Edition 1989 (referred to as "Standard Methods, 17th ed.").

"Standard Methods for the Examination of Water and Wastewater", 18th Edition, 1992, including "Supplement to the 18th Edition of Standard Methods for the Examination of Water and Wastewater", 1994 (collectively referred to as "Standard Methods, 18th ed."). See the methods listed separately for the same references under American Water Works Association.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

"Standard Methods for the Examination of Water and Wastewater", 19th Edition, 1995 (referred to as "Standard Methods, 19th ed.").

American Waterworks Association et al., 6666 West Quincy Ave., Denver, CO 80235 303-794-7711:

Standard Methods for the Examination of Water and Wastewater, 13th Edition, 1971 (referred to as "Standard Methods, 13th ed.").

Method 302, Gross Alpha and Gross Beta Radioactivity in Water (Total, Suspended and Dissolved).

Method 303, Total Radioactive Strontium and Strontium 90 in Water.

Method 304, Radium in Water by Precipitation.

Method 305, Radium 226 by Radon in Water (Soluble, Suspended and Total).

Method 306, Tritium in Water.

Standard Methods for the Examination of Water and Wastewater, 18th Edition, 1992 (referred to as "Standard Methods, 18th ed."):

Method 2130 B, Turbidity, Nephelometric Method.

Method 2320 B, Alkalinity, Titration Method.

Method 2510 B, Conductivity, Laboratory Method.

Method 2550, Temperature, Laboratory and Field Methods.

Method 3111 B, Metals by Flame Atomic Absorption Spectrometry, Direct Air-Acetylene Flame Method.

Method 3111 D, Metals by Flame Atomic Absorption Spectrometry, Direct Nitrous Oxide-Acetylene Flame Method.

Method 3112 B, Metals by Cold-Vapor Atomic Absorption Spectrometry, Cold-Vapor Atomic Absorption Spectrometric Method.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Method 3113 B, Metals by Electrothermal Atomic Absorption Spectrometry, Electrothermal Atomic Absorption Spectrometric Method.

Method 3114 B, Metals by Hydride Generation/Atomic Absorption Spectrometry, Manual Hydride Generation/Atomic Spectrometric Method.

Method 3120 B, Metals by Plasma Emission Spectroscopy, Inductively Coupled Plasma (ICP) Method.

Method 3500-Ca D, Calcium, EDTA Titrimetric Method.

Method 4110 B, Determination of Anions by Ion Chromatography, Ion Chromatography with Chemical Suppression of Eluent Conductivity.

Method 4500-CN(-) C, Cyanide, Total Cyanide after Distillation.

Method 4500-CN(-) E, Cyanide, Colorimetric Method.

Method 4500-CN(-) F, Cyanide, Cyanide-Selective Electrode Method.

Method 4500-CN(-) G, Cyanide, Cyanides Amenable to Chlorination after Distillation.

Method 4500-ClO(2) C, Chlorine Dioxide, Amperometric Method I.

Method 4500-F(-) B, Fluoride, Preliminary Distillation Step.

Method 4500-F(-) C, Fluoride, Ion-Selective Electrode Method.

Method 4500-F(-) D, Fluoride, SPADNS Method.

Method 4500-F(-) E, Fluoride, Complexone Method.

Method 4500-H(+) B, pH Value, Electrometric Method.

Method 4500-NO(2)(-) B, Nitrogen (Nitrite), Colorimetric Method.

Method 4500-NO(3)(-) D, Nitrogen (Nitrate), Nitrate Electrode Method.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Method 4500-NO(3)(-) E, Nitrogen (Nitrate), Cadmium Reduction Method.

Method 4500-NO(3)(-) F, Nitrogen (Nitrate), Automated Cadmium Reduction Method.

Method 4500-O(3) B, Ozone (Residual) (Proposed), Indigo Colorimetric Method.

Method 4500-P E, Phosphorus, Ascorbic Acid Method.

Method 4500-P F, Phosphorus, Automated Ascorbic Acid Reduction Method.

Method 4500-Si D, Silica, Molybdosilicate Method.

Method 4500-Si E, Silica, Heteropoly Blue Method.

Method 4500-Si F, Silica, Automated Method for Molybdate-Reactive Silica.

Method 4500-SO(4)(2-) C, Sulfate, Gravimetric Method with Ignition of Residue.

Method 4500-SO(4)(2-) D, Sulfate, Gravimetric Method with Drying of Residue.

Method 4500-SO(4)(2-) F, Sulfate, Automated Methylthymol Blue Method.

Method 6610, Carbamate Pesticide Method.

Method 6651, Glyphosate Herbicide (Proposed).

Method 7110 B, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Evaporation Method for Gross Alpha-Beta.

Method 7110 C, Gross Alpha and Beta Radioactivity (Total, Suspended, and Dissolved), Coprecipitation Method for Gross Alpha Radioactivity in Drinking Water (Proposed).

Method 7500-Cs B, Radioactive Cesium, Precipitation Method.

Method 7500-3H, B, Tritium, Liquid Scintillation Spectrometric Method

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Method 7500-I B, Radioactive Iodine, Precipitation Method.

Method 7500-I C, Radioactive Iodine, Ion-Exchange Method.

Method 7500-I D, Radioactive Iodine, Distillation Method.

Method 7500-Ra B, Radium, Precipitation Method.

Method 7500-Ra C, Radium, Emanation Method.

Method 7500-Ra D, Radium, Sequential Precipitation Method (Proposed).

Method 7500-U B, Uranium, Radiochemical Method (Proposed).

Method 7500-U C, Uranium, Isotopic Method (Proposed).

Method 9215 B, Heterotrophic Plate Count, Pour Plate Method.

Method 9221 A, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Introduction.

Method 9221 B, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Standard Total Coliform Fermentation Technique.

Method 9221 C, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Estimation of Bacterial Density.

Method 9221 D, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Presence-Absence (P-A) Coliform Test.

Method 9222 A, Membrane Filter Technique for Members of the Coliform Group, Introduction.

Method 9222 B, Membrane Filter Technique for Members of the Coliform Group, Standard Total Coliform Membrane Filter Procedure.

Method 9222 C, Membrane Filter Technique for Members of the Coliform Group, Delayed-Incubation Total

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Coliform Procedure.

Method 9223, Chromogenic Substrate Coliform Test (Proposed).

Standard Methods for the Examination of Water and Wastewater, 19th Edition, 1995 (referred to as "Standard Methods, 19th ed."):

Method 7120-B, Gamma Spectrometric Method.

Method 7500-U C, Uranium, Isotopic Method.

Method 4500-Cl D, Chlorine (Residual), Amperometric Titration Method.

Method 4500-Cl E, Chlorine (Residual), Low-Level Amperometric Titration Method.

Method 4500-Cl F, Chlorine (Residual), DPD Ferrous Titrimetric Method.

Method 4500-Cl G, Chlorine (Residual), DPD Colorimetric Method.

Method 4500-Cl H, Chlorine (Residual), Syringaldehyde (FACTS) Method.

Method 4500-Cl I, Chlorine (Residual), Iodometric Electrode Technique.

Method 4500-ClO[2] D, Chlorine Dioxide, DPD Method.

Method 4500-ClO[2] E, Chlorine Dioxide, Amperometric Method II.

Method 6251 B, Disinfection Byproducts; Haloacetic Acids and Trichlorophenol, Micro Liquid-Liquid Extraction Gas Chromatographic Method.

Method 5910 B, UV Absorbing Organic Constituents, Ultraviolet Absorption Method.

Supplement to the 19th Edition of Standard Methods for the Examination of Water and Wastewater, American Public Health Association, 1996:

Method 5310 B, TOC, Combustion-Infrared Method.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Method 5310 C, TOC, persulfate-Ultraviolet Oxidation Method.

Method 5310 D, TOC, Wet-Oxidation Method.

Analytical Technology, Inc. ATI Orion, 529 Main Street, Boston, MA 02129:

Technical Bulletin 601, "Standard Method of Testing for Nitrate in Drinking Water", July, 1994, PN 221890-001 (referred to as "Technical Bulletin 601").

ASTM. American Society for Testing and Materials, 1976 Race Street, Philadelphia, PA 19103 215-299-5585:

ASTM Method D511-93 A and B, "Standard Test Methods for Calcium and Magnesium in Water", "Test Method A--complexometric Titration" & "Test Method B--Atomic Absorption Spectrophotometric", approved 1993.

ASTM Method D515-88 A, "Standard Test Methods for Phosphorus in Water", "Test Method A--Colorimetric Ascorbic Acid Reduction", approved August 19, 1988.

ASTM Method D859-88, "Standard Test Method for Silica in Water", approved August 19, 1988.

ASTM Method D1067-92 B, "Standard Test Methods for Acidity or Alkalinity in Water", "Test Method B--Electrometric or Color-Change Titration", approved May 15, 1992.

ASTM Method D1125-91 A, "Standard Test Methods for Electrical Conductivity and Resistivity of Water", "Test Method A--Field and Routine Laboratory Measurement of Static (Non-Flowing) Samples", approved June 15, 1991.

ASTM Method D1179-93 B "Standard Test Methods for Fluoride in Water", "Test Method B--Ion Selective Electrode", approved 1993.

ASTM Method D1293-84 "Standard Test Methods for pH of Water", "Test Method A--Precise Laboratory Measurement" & "Test Method B--Routine or Continuous Measurement", approved October 26, 1984.

ASTM Method D1688-90 A or C, "Standard Test Methods for Copper in Water", "Test Method A--Atomic Absorption, Direct" & "Test Method C--Atomic Absorption, Graphite Furnace",

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

approved March 15, 1990.

ASTM Method D2036-91 A or B, "Standard Test Methods for Cyanide in Water", "Test Method A--Total Cyanides after Distillation" & "Test Method B--Cyanides Amenable to Chlorination by Difference", approved September 15, 1991.

ASTM Method D2459-72, "Standard Test Method for Gamma Spectrometry in Water", approved July 28, 1972, discontinued in 1988.

ASTM Method D2460-90, "Standard Test Method for Radionuclides of Radium in Water", approved 1990.

ASTM Method D2907-91, "Standard Test Methods for Microquantities of Uranium in Water by Fluorometry", "Test Method A--Direct Fluorometric" & "Test Method B--extraction", approved June 15, 1991.

ASTM Method D2972-93 B or C, "Standard Test Methods for Arsenic in Water", "Test Method B--Atomic Absorption, Hydride Generation" & "Test Method C--Atomic Absorption, Graphite Furnace", approved 1993.

ASTM Method D3223-91, "Standard Test Method for Total Mercury in Water", approved September 23, 1991.

ASTM Method D3454-91, "Standard Test Method for Radium-226 in Water", approved 1991.

ASTM Method D3559-90 D, "Standard Test Methods for Lead in Water", "Test Method D--Atomic Absorption, Graphite Furnace", approved August 6, 1990.

ASTM Method D3645-93 B, "Standard Test Methods for Beryllium in Water", "Method B--Atomic Absorption, Graphite Furnace", approved 1993.

ASTM Method D3649-91, "Standard Test Method for High-Resolution Gamma-Ray Spectrometry of Water", approved 1991.

ASTM Method D3697-92, "Standard Test Method for Antimony in Water", approved June 15, 1992.

ASTM Method D3859-93 A, "Standard Test Methods for Selenium in Water", "Method A--Atomic Absorption, Hydride Method", & "Test Method C--Atomic Absorption, Graphite Furnace", approved 1993.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

ASTM Method D3867-90 A and B, "Standard Test Methods for Nitrite-Nitrate in Water", "Test Method A--Automated Cadmium Reduction" & "Test Method B--Manual Cadmium Reduction", approved January 10, 1990.

ASTM Method D3872-90, "Standard Test Method for Isotopic Uranium in Water by Radiochemistry", approved 1990.

ASTM Method D4107-91, "Standard Test Method for Tritium in Drinking Water", approved 1991.

ASTM Method D4327-91, "Standard Test Method for Anions in Water by Ion Chromatography", approved October 15, 1991.

ASTM Method D4785-88, "Standard Test Method for Low-Level Iodine-131 in Water", approved 1988.

ASTM Method D5174-91, "Standard Test Method for Trace Uranium in Water by Pulsed-Laser Phosphorimetry", approved 1991.

ASTM Method D1253-86 "Standard Test Method for Residual Chlorine in Water," reapproved 1992.

ERDA Health and Safety Laboratory, New York, NY:

HASL Procedure Manual, HASL 300, 1973. See 40 CFR 141.25(b)(2) (1999 #996).

Great Lakes Instruments, Inc., 8855 North 55th Street, Milwaukee, WI 53223:

GLI Method 2, "Turbidity", Nov. 2, 1992.

Millipore Corporation, Technical Services Department, 80 Ashby Road, Milford, MA 01730 800-654-5476:

Colisure Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia Coli in Drinking Water, February 28, 1994 (referred to as "Colisure Test").

Millipore Corporation, Waters Chromatography Division, 34 Maple St., Milford, MA 01757 800-252-4732:

Waters Test Method for the Determination of Nitrite/Nitrate in Water Using Single Column Ion Chromatography, Method B-1011 (referred to as "Waters Method B-1011").

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

NCRP. National Council on Radiation Protection, 7910 Woodmont Ave., Bethesda, MD 301-657-2652:

"Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure", NCRP Report Number 22, June 5, 1959.

NSF. National Sanitation Foundation International, 3475 Plymouth Road, PO Box 130140, Ann Arbor, Michigan 48113-0140, 734-769-8010:

NSF Standard 61, section 9, November 1998.

NTIS. National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161, 703-487-4600 or 800-553-6847:

"Interim Radiochemical Methodology for Drinking Water", EPA 600/4-75-006 (revised), March 1976 (referred to as "USEPA Interim Radiochemical Methods"). (Pages 1, 4, 6, 9, 13, 16, 24, 29, 34)

Method 100.1, "Analytical Method for Determination of Asbestos Fibers in Water", EPA-600/4-83-043, September, 1983, Doc. No. PB83-260471 (referred to as "USEPA Asbestos Methods-100.1").

Method 100.2, "Determination of Asbestos Structures over 10-mm in Length in Drinking Water", EPA-600/4-83-043, June, 1994, Doc. No. PB94-201902 (Referred to as "USEPA Asbestos Methods-100.2").

"Methods for Chemical Analysis of Water and Wastes", March, 1983, Doc. No. PB84-128677 (referred to as "USEPA Inorganic Methods"), (Methods 150.1, 150.2, and 245.2, which formerly appeared in this reference, are available from USEPA EMSL.)

"Methods for the Determination of Metals in Environmental Samples", June, 1991, Doc. No. PB91-231498 (referred to as "USEPA Environmental Metals Methods").

"Methods for the Determination of Organic Compounds in Drinking Water", December, 1988, revised July, 1991, EPA-600/4-88/039 (referred to as "USEPA Organic Methods"). (For methods 502.2, 505, 507, 508, 508A, 515.1 and 531.1.)

"Methods for the Determination of Organic Compounds in Drinking Water--Supplement 1", July, 1990, EPA-600-4-90-020

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(referred to as "USEPA Organic Methods"). (For methods 506, 547, 550, 550.1, and 551.)

"Methods for the Determination of Organic Compounds in Drinking Water--Supplement II", August, 1992, EPA-600/R-92-129 (referred to as "USEPA Organic Methods"). (For methods 515.2, 524.2, 548.1, 549.1, 552.1 and 555.)

"Prescribed Procedures for Measurement of Radioactivity in Drinking Water", EPA 600/4-80-032, August 1980 (referred to as "USEPA Radioactivity Methods"). (Methods 900, 901, 901.1, 902, 903, 903.1, 904, 905, 906, 908, 908.1)

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions", H.L. Krieger and S. Gold, EPA-R4-73-014, May, 1973, Doc. No. PB22-134/7Bx.

"Radiochemical Analytical Procedures for Analysis of Environmental Samples", March, 1979, Doc. No. EMSL IV 053917 (referred to as "USEPA Radiochemical Analyses"). (Pages 1, 19, 33, 65, 87, 92)

"Radiochemistry Procedures Manual", EPA-520/5-84-006, December, 1987, Doc. No. PB-84-215581 (referred to as "USEPA Radiochemistry Methods"). (Methods 00-01, 00-02, 00-07, H-02, Ra-03, Ra-04, Ra-05, Sr-04)

"Technical Notes on Drinking Water Methods", EPA-600/R-94-173, October, 1994, Doc. No. PB-104766 (referred to as "USEPA Technical Notes").

BOARD NOTE: USEPA made the following assertion with regard to this reference at 40 CFR 141.23(k)(1) and 141.24(e) and (n)(11) (1999 1995): "This document contains other analytical test procedures and approved analytical methods that remain available for compliance monitoring until July 1, 1996."

"Tetra- through Octa- Chlorinated Dioxins and Furans by Isotope Dilution HRGC/HRMS", October, 1994, EPA-821-B-94-005 (referred to as "Dioxin and Furan Method 1613").

New Jersey Department of Environment, Division of Environmental Quality, Bureau of Radiation and Inorganic Analytical Services, 9 Bwing Street, Trenton, NJ 08625:

"Determination of Radium 228 in Drinking Water", August 1990.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

New York Department of Health, Radiological Sciences Institute, Center for Laboratories and Research, Empire State Plaza, Albany, NY 12201:

"Determination of Ra-226 and Ra-228 (Ra-02)", January 1980, revised June 1982.

Technicon Industrial Systems, Tarrytown, NY 10591:

"Fluoride in Water and Wastewater", Industrial Method #129-71W, December, 1972 (referred to as "Technicon Methods: Method #129-71W"). See 40 CFR 141.23(k)(1), footnote 11 (1999 1995).

"Fluoride in Water and Wastewater", #380-75WE, February, 1976 (referred to as "Technicon Methods: Method #380-75WE"). See 40 CFR 141.23(k)(1), footnote 11 (1999 1995).

United States Department of Energy, available at the Environmental Measurements Laboratory, U.S. Department of Energy, 376 Hudson Street, New York, NY 10014-3621:

"EML Procedures Manual", 27th Edition, Volume 1, 1990.

United States Environmental Protection Agency, EMSL, Cincinnati, OH 45268 513-569-7586:

"Interim Radiochemical Methodology for Drinking Water", EPA-600/4-75-008 (referred to as "Radiochemical Methods"). (Revised) March, 1976.

"Methods for the Determination of Organic Compounds in Finished Drinking Water and Raw Source Water" (referred to as "USEPA Organic Methods"). (For methods 504.1, 508.1, and 525.2 only). See NTIS.

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions". See NTIS.

USEPA, Science and Technology Branch, Criteria and Standards Division, Office of Drinking Water, Washington D.C. 20460:

"Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources", October, 1989.

USGS. Books and Open-File Reports Section, United States

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Geological Survey, Federal Center, Box 25425, Denver, CO 80225-0425;

Methods available upon request by method number from "Methods of Analysis by the U.S. Geological Survey National Water Quality Laboratory--Determination of Inorganic and Organic Constituents in Water and Fluvial Sediments", Open File Report 93-125 or Book 5, Chapter A-1, "Methods for Determination of Inorganic Substances in Water and Fluvial Sediments", 3d ed., Open-File Report 85-495, 1989, as appropriate (referred to as "USGS Methods").

I-1030-85

I-1062-85

I-1601-85

I-1700-85

I-2598-85

I-2601-90

I-2700-85

I-3300-85

Methods available upon request by method number from "Methods for Determination of Radioactive Substances in Water and Fluvial Sediments", Chapter A5 in Book 5 of "Techniques of Water-Resources Investigations of the United States Geological Survey", 1997.

R-1110-76

R-1111-76

R-1120-76

R-1140-76

R-1141-76

R-1142-76

R-1160-76

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

R-1171-76

R-1180-76

R-1181-76

R-1182-76

c) The Board incorporates the following federal regulations by reference:
40 CFR 136, Appendix B and C (1999 1998).

40 CFR 141.40(a)(3) Table 1, Lists 1, 2, and 3 (1999).

40 CFR 141.40(a)(4) Table 2 (1999).

40 CFR 141.40(a)(5) Table 3 (1999).

d) This Part incorporates no later amendments or editions.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCLs) AND MAXIMUM RESIDUAL DISINFECTANT LEVELS (MRDLs)

Section 611.310 Old Maximum Contaminant Levels (MCLs) for Organic Chemicals

The following are the MCLs for organic chemicals. The MCLs for organic chemicals in this Section ~~subsections--(a)--and--(b)--~~ apply to all CWSs. Compliance with the MCLs in subsections (a) and (b) is calculated pursuant to Section 611.641 et seq. Compliance with the MCL in subsection (c) ~~for--PBM~~ is calculated pursuant to Subpart F of this Part.

Contaminant	Level mg/L	Additional State Requirement (*)
a) Chlorinated hydrocarbons		
Aldrin.....	0.001	*
DDT.....	0.05	*
Dieldrin.....	0.001	*
Heptachlor.....	0.0001	*
Heptachlor epoxide.....	0.0001	*

BOARD NOTE: Originally derived from 40 CFR 141.12(a) (1994), USEPA removed the last entry in this subsection and marked it reserved at 57 Fed. Reg. 31838 (July 17, 1992). USEPA added another listing of organic MCLs at 40 CFR 141.61 (1994). Heptachlor, heptachlor epoxide, and 2,4-D appear in both this Section and in Section 611.311, with a different MCL in each Section. The heptachlor, heptachlor epoxide, and 2,4-D MCLs in this Section are Illinois limitations that are more stringent than the federal requirements. However, detection of these

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

contaminants or violation of their federally-derived revised Section 611.311 MCLs imposes more stringent monitoring, reporting, and notice requirements.

b) Chlorophenoxys:

2.4-D..... 0.01 *

BOARD NOTE: Originally derived from 40 CFR 141.12(b) (1994), USEPA removed the last entry in this subsection and marked it reserved at 56 Fed. Reg. 3578 (Jan. 30, 1991). See the preceding Board Note regarding the dual listing of MCLs for 2.4-D.

c) TTHM..... 0.10 *

- 1) The MCL of 0.10 mg/L for TTHM applies to a Subpart B community water system that serves 10,000 or more persons, until December 31, 2001.
- 2) The MCL of 0.10 mg/L for TTHM applies to community water systems that use only groundwater, not under the direct influence of surface water and serve 10,000 or more persons, until December 31, 2003.
- 3) After December 31, 2003, the MCL for TTHM in this Section is no longer applicable.

BOARD NOTE: Derived ~~in-part~~ from 40 CFR 141.12 (1999) ~~(et al)~~(1998). This is an additional State requirement to the extent that it applies to supplies other than CWSs that add a disinfectant at any part of treatment and which provide water to 10,000 or more persons. ~~Also derived from 40-cfr-141:12-(1998):~~ The new MCL for TTHM is listed in Section 611.312.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART G: LEAD AND COPPER

Section 611.359 Analytical Methods

Analyses for lead, copper, pH, conductivity, calcium, alkalinity, orthophosphate, silica, and temperature shall be conducted using the methods set forth in Section 611.611(a).

- a) Analyses for lead and copper performed for the purposes of compliance with this Subpart shall only be conducted by laboratories that have been certified by USEPA or the Agency. To obtain certification to conduct analyses for lead and copper, laboratories must:
 - 1) Analyze performance evaluation samples that include lead and copper provided by USEPA Environmental Monitoring and Support

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 2) Laboratory or equivalent samples provided by the Agency; and
- Achieve quantitative acceptance limits as follows:

- A) For lead: +30 percent of the actual amount in the performance evaluation sample when the actual amount is greater than or equal to 0.005 mg/L (the PQL for lead is 0.005 mg/L);
- B) For copper: +10 percent of the actual amount in the performance evaluation sample when the actual amount is greater than or equal to 0.050 mg/L (the PQL for copper is 0.050 mg/L);
- C) Achieve the method detection limits (MDLs) defined in Section 611.350(a) according to the procedures in 35 Ill. Adm. Code 185 and 40 CFR 136, Appendix B: "Definition and Procedure for the Determination of the Method Detection Limit--Revision 1.11" (1999); and
- D) Be currently certified by USEPA or the Agency to perform analyses to the specifications described in subsection (a)(2) of this Section below.

- b) The Agency shall, by a SEP issued pursuant to Section 611.110, allow a supplier to use previously collected monitoring data for the purposes of monitoring under this Subpart if the data were collected and analyzed in accordance with the requirements of this Subpart.
- c) Reporting lead and copper levels.

- 1) All lead and copper levels greater than or equal to the lead and copper PQL (Pb \geq 0.005 mg/L and Cu \geq 0.050 mg/L) must be reported as measured.

- 2) All lead and copper levels measured less than the PQL and greater than the MDL (0.005 mg/L > Pb > MDL and 0.050 mg/L > Cu > MDL) must be either reported as measured or as one-half the PQL set forth in subsection (a) of this Section above (i.e., reported as 0.0025 mg/L for lead or 0.025 mg/L for copper).

- 3) All lead and copper levels below the lead and copper MDL (MDL > Pb) must be reported as zero.

BOARD NOTE: Derived from 40 CFR 141.89 (1999 ~~±~~1994) ~~as amended at 59-Fed-Reg-62478-(December-5-1994)~~.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART K: GENERAL MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.490 Certified Laboratories

- a) For the purpose of determining compliance with Subparts L through O, samples will be considered only if they have been analyzed:
 - 1) By a laboratory certified pursuant to Section 4(o) of the Act; or,
 - 2) By a laboratory certified by USEPA B-S-BPA; or,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 3) Measurements for alkalinity, calcium, conductivity, disinfectant residual, orthophosphate, silica, turbidity, free chlorine residual, temperature, and pH may be performed under the supervision of a certified operator (35 Ill. Adm. Code 603.1031).
- b) Nothing in this Part shall be construed to preclude the Agency or any duly designated representative of the Agency from taking samples or from using the results from such samples to determine compliance by a supplier of water with the applicable requirements of this Part.
- BOARD NOTE: Derived from 40 CFR 141.28 (19991994).
- c) The CWS supplier shall have required analyses performed either at an agency laboratory or a certified laboratory. The Agency may require that some or all of the required samples be submitted to its laboratories.

BOARD NOTE: This is an additional State requirement.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 611.511. Reporting of Unregulated Contaminant Monitoring Results

- a) This Section applies to any owner or operator of a Public Water System (PWS) required to monitor for unregulated contaminants under Section 611.510. This Section does not apply to public water systems serving 10,000 or fewer persons.
- b) The results of unregulated contaminant monitoring shall be reported to the USEPA and a copy must be provided to the Agency. The public shall be notified of the monitoring results as provided in Subpart U (Consumer Confidence Reports) and Subpart T (Reporting, Public Notification and Recordkeeping) of this Part.
- c) The results of unregulated contaminant monitoring shall be reported within 30 days following the month in which the results from the laboratory are received.
- d) The report shall contain the following information specified for each sample, and for each spiked sample and spike duplicate sample analyzed for quality control purposes and associated with each sample and its sample batch:

- 1) PWS Identification Number. The code used to identify each PWS. The code begins with the standard two-character postal State abbreviation; the remaining seven characters are unique to each PWS.
- 2) PWS Facility Identification Number for the Source. Treatment Plant, and Sampling Point. An identification number established by the Agency or, at the Agency's discretion, the PWS, that is unique to the system for an intake for each source of water, a treatment plant and a sampling point. Within each PWS each intake, treatment plant and sampling point must receive a unique identification number, including, for intake, surface water intake, ground water well or wellfield centroid, and including,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- for sampling point; entry points to the distribution system, wellhead, intake, locations within the distribution system, or other representative sampling point specified by the Agency. The same identification number must be used consistently throughout the history of unregulated contaminant monitoring to represent the facility.
- 3) Sample Collection Date. The date the sample is collected reported as 4-digit year, 2-digit month, and 2-digit day.
 - 4) Sample Identification Number. A numeric value assigned by the PWS or laboratory to uniquely identify a specific sampling occurrence.
 - 5) Contaminant/Parameter. The unregulated contaminant or water quality parameter for which the sample is being analyzed.
 - 6) Analytical Results Sign. An alphanumeric value indicating whether the sample analysis result was:
 - A) (<) "less than", which means the contaminant was not detected or was detected at a level "less than" the minimum reporting level (MRL); or
 - B) (<) "equal to", which means the contaminant was detected at a level "equal to" the value reported in "Analytical Result Value."
 - 7) Analytical Result Value. The actual numeric value of the analysis for chemical and microbiological results, or the MRL if the analytical result is less than the specified contaminant's MRL.
 - 8) Analytical Result Unit of Measure. The unit of measurement for the analytical results reported (e.g., micrograms per liter, (ug/L); colony-forming units per milliliter, (CFU/mL), etc.).
 - 9) Analytical Method Number. The identification number of the analytical method used.
 - 10) Sample Analysis Type. The type of sample collected. Permitted values include:
 - A) Field Sample. The sample collected and submitted for analysis under this rule.
 - B) Batch Spike/Spoke Duplicate. Samples associated with a batch used for calculating analytical precision and accuracy. A batch is defined as the set of field samples plus one spiked sample and one spiked duplicate sample analyzed for contaminant concentrations
 - 11) Sample Batch Identification Number. The number assigned by the laboratory to the batch of samples analyzed with the spiked sample (at the spiking concentration reported), to be reported as 9-digit laboratory number (assigned by the Agency or the USEPA), 4-digit year, 2-digit month, 2-digit day and 2-digit batch number.
 - 12) Detection Level. Detection level refers to the detection limit applied to both the method and equipment. Detection limit is the lowest concentration of a target contaminant that a given method

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

or piece of equipment can reliably ascertain and report as greater than zero (e.g., instrument detection limit, method detection limit, or estimated detection limit).

- 13) Detection level unit of measure. The unit of measure to express the concentration, count, or other value of a contaminant level for the detection level reported (e.g., ug/L, CFU/ml, etc.).

- 14) Analytical Precision. Analytical Precision is the degree of agreement among a set of repeated measurements and is monitored through the use of replicate samples or measurements. Analytical Precision is defined as the relative percent difference (RPD) between spiked matrix duplicates. The RPD for the spiked matrix duplicates analyzed in the same batch of samples as the analytical result being reported is to be entered in this field. Analytical Precision is calculated as RPD between spiked matrix duplicates, using $RPD = \frac{[(X1) - X(2)]}{(X1) + X(2)} \times 100$.
- 15) Analytical Accuracy. Analytical Accuracy describes how close a result is to the true value measured through the use of spikes, standards, surrogates or performance evaluation samples. For purposes of unregulated contaminant monitoring, accuracy is defined as the percent recovery of the contaminant in the spiked matrix sample analyzed in the same analytical batch as the sample result being reported and calculated using $\% \text{ recovery} = \frac{[(\text{amt. found in spiked sample} - \text{amt. found in sample}) / \text{amt. spiked}] \times 100}{100}$.

- 16) Spiking Concentration. The concentration of method analytes added to a sample to be analyzed for calculating analytical precision and accuracy where the value reported use the same unit of measure reported for Analytical Results.
- 17) Presence/Absence. Presence: a response was produced by the analysis (i.e., greater than or equal to the MDL but less than the MDL); Absence: no response was produced by the analysis (i.e., less than the MDL).

- A) Microbiologicals. Presence: Indicates a response was produced by the analysis; Absence: Indicates no response was produced by the analysis.
- B) Chemicals. Presence: a response was produced by the analysis (i.e., greater than or equal to the MDL but less than the MDL); Absence: no response was produced by the analysis (i.e., less than the MDL).

- C) This information shall be reported in the electronic or other format specified by the USEPA or the Agency.

- D) The laboratory to which samples are sent may report the results, as long as the laboratory sends the PWS a copy for review and recordkeeping. The PWS is responsible for the reporting of this information, and ensuring that the laboratory reports the results to the USEPA, with a copy to the Agency.

- E) Previously collected data to meet the testing and reporting requirements for the contaminants listed in Section 611.510 may be reported as long as the data meets the specific requirements of Section 611.510 and the data includes the information specified in subsection (d) of this Section.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 611.512 Monitoring Requirements for Unregulated Contaminants

- a) Effective January 1, 2001, owners and operators of Public Water Systems (PWSs) shall monitor for unregulated contaminants. Monitoring shall be made for the contaminants listed in List 1, List 2, and List 3, Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, 40 CFR 141.40(a)(3), incorporated by reference in Section 611.102.

- 1) Owners or operators of a transient non-community water system do not have to monitor for unregulated contaminants.

- 2) An owner or operator of a wholesale or retail PWS (other than a transient system) that serves more than 10,000 persons, as determined by the Agency, which does not purchase its entire water supply from another PWS, shall monitor as follows:

- A) Monitor for the unregulated contaminants on List 1 of Table 1, Unregulated Contaminant Monitoring Regulation (1999) List.

- B) Monitor for the unregulated contaminants on List 2 of Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, if notified by the Agency or the USEPA that the system is part of the Screening Surveys.

- C) Monitor for the unregulated contaminants on List 3 of Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, if notified by the Agency or the USEPA that the system is part of the Pre-Screen Testing.

- 3) An owner or operator of a wholesale or retail PWS (other than a transient system) that serves more than 10,000 persons, as determined by the Agency, which purchases its entire water supply from a wholesale PWS, shall monitor as follows:

- A) Monitor for the unregulated contaminants on List 1 of Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, if it has a "sampling location" indicated as a "distribution system".

- B) Monitor for the unregulated contaminants on List 2 of Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, if it has a "sampling location" indicated as "distribution system" and if notified by the Agency or the USEPA that the system is part of the Screening Surveys.

- C) Monitor for the unregulated contaminants on List 3 of Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, if it has a "sampling location" indicated as "distribution system" and if notified by the Agency or the USEPA that the system is part of the Pre-Screen Testing.

- 4) Owners and operators of a PWS (other than a transient system) that serves 10,000 or fewer persons which does not purchase its entire water supply from another PWS, shall monitor as follows:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- A) Monitor for the unregulated contaminants on List 1 of Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, if notified by the Agency or the USEPA that the system is part of the State Monitoring Plan for small systems.
- B) Monitor for the unregulated contaminants on List 2 of Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, if notified by the Agency or the USEPA that the system is part of the Screening Surveys.
- C) Monitor for the unregulated contaminants on List 3 of Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, if notified by the Agency or the USEPA that the system is part of the Pre-Screen Testing.
- 5) Owners and operators of a PWS (other than a transient system) that serves 10,000 or fewer persons which purchases its entire water supply from a wholesale PWS, shall monitor as follows:
- A) Monitor for the unregulated contaminants on List 1 of Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, if it has a "sampling location" indicated as "distribution system" and it is notified by the Agency or the USEPA that the system is part of the State Monitoring Plan for small systems.
- B) Monitor for the unregulated contaminants on List 2 of Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, if it has a "sampling location" indicated as "distribution system" and it is notified by the Agency or the USEPA that the system is part of the Screening Surveys.
- C) Monitor for the unregulated contaminants on List 3 of Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, if it has a "sampling location" indicated as "distribution system" and it is notified by the Agency or the USEPA that the system is part of the Pre-Screen Testing.
- b) Selection for monitoring under the State Monitoring Plan, the Screening Surveys, or the Pre-Screen Testing.
- 1) State Monitoring Plan. The USEPA will select a national representative sample of small PWSs. The USEPA will also select "Index systems", that must provide information about their site and operation that will serve to allow extrapolation of their results to other systems of similar size. The Agency or the USEPA will notify systems that are a part of the final State Monitoring Plan.
- 2) Screening Surveys. The Agency or the USEPA will notify systems that are selected for monitoring under the Screening Surveys.
- 3) Pre-Screen Testing. The Agency or the USEPA will notify systems that have been selected for monitoring under the Pre-Screen Testing program.
- c) General requirements for monitoring List 1 contaminants.
- 1) All systems required to monitor for List 1 contaminants shall:
- A) Collect samples of the listed contaminants in accordance

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- with subsection (e) of this Section and Appendix I of this Part, and any other specific instructions provided by the Agency or the USEPA.
- B) Analyze the additional parameters specified in Table 2 Water Quality Parameters to be Monitored with UOMR Contaminants, 40 CFR 141.40(a)(4), incorporated by reference in Section 611.102, for each relevant contaminant type. Systems shall analyze the parameters for each sampling event of each sampling point, using the method indicated, and report using the Unregulated Contaminant Monitoring Reporting Requirements data elements in Section 611.511(d)(1) through (10):
- C) Review the laboratory testing results to ensure reliability, and
- D) Report the results as specified in Section 611.511. Large systems. In addition to subsection (d)(1) of this Section, systems serving more than 10,000 persons shall arrange for testing of the samples according to the methods specified for each contaminant in Table 1, Unregulated Contaminant Monitoring Regulation (1999) List and Section 611.511(d)(1).
- 3) Small systems. Unless directed otherwise by the Agency or the USEPA, in addition to subsection (d)(1) of this Section, systems serving 10,000 or fewer persons shall:
- A) Properly receive, store, maintain and use the sampling equipment sent from the laboratory designated by the USEPA;
- B) Sample at the times specified by the Agency or the USEPA;
- C) Collect and pack samples in accordance with the instructions sent to by the laboratory designated by the USEPA; and
- d) Send the samples to the laboratory designated by the USEPA. Specific sampling and quality control requirements for monitoring of List 1 contaminants.
- 1) All systems. Unless the Agency or the USEPA informs the system of other sampling arrangements, PWSs shall comply with the following requirements:
- A) Sample collection and shipping times. If the system must ship the samples for testing, the samples shall be collected early enough in the day to allow adequate time to send the samples for overnight delivery to the laboratory. The system shall not collect samples on Friday, Saturday or Sunday.
- B) No compositing of samples. The system shall not composite, combine, mix, or blend samples. The system shall collect, preserve and test each sample separately.
- C) Review and reporting of results. After receipt of the laboratory results, the system shall review and confirm the system information and data regarding sample collection and test results. The results must be reported as provided in Section 611.511.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 2) Large systems. In addition to subsection (e)(1) of this Section, systems serving more than 10,000 persons shall comply with the following:

- A) Timeframe. Samples shall be collected in one twelve-month period during the years indicated in Table 1, Column 6 of the Unregulated Contaminant Monitoring Regulation (1999) List.
- B) Frequency. Samples shall be collected within the timeframe and according to Table 3, Monitoring Frequency by Contaminant and Water Source Types, 40 CFR 141.40(a)(5), incorporated by reference in Section 61.102, specified by contaminant type and water source type.
- C) Location. Samples shall be collected at the location specified for each listed contaminant in Table 1, Column 5 of the Unregulated Contaminant Monitoring Regulation (1999) List, 40 CFR 141.40(a)(3). The sampling location for chemical contaminants shall be the entry point to the distribution system of the compliance monitoring point specified by the Agency or the USEPA. If the compliance monitoring point as specified by the Agency is for source (raw) water and any of the contaminants in Table 1, Unregulated Contaminant Monitoring Regulation (1999) List are detected, then the system shall also sample at the entry point to the distribution system at the frequency indicated in Table 3, Monitoring Frequency by Contaminant and Water Source Types with the following exception: If the Agency or the USEPA determines that sampling at the entry point to the distribution system is unnecessary because no treatment was instituted between the source water and the distribution system that would affect measurement of the contaminants listed Table 1, Column 5 of the Unregulated Contaminant Monitoring Regulation (1999) List, then the system does not have to sample at the entry point to the distribution system.
- D) Sampling instructions. Sampling procedure for the method specified in Table 1, List 1, Column 3 of the Assessment Monitoring Chemical Contaminants, 40 CFR 141.40(a)(3), incorporated by reference in Section 61.102, shall be followed for each contaminant.
- E) Testing and analytical methods. The analytical method for each contaminant specified in Table 1, List 1, Column 3 of the Assessment Monitoring Chemical Contaminants, the minimum reporting levels in Table 1, List 1, Column 4 of the Assessment Monitoring Chemical Contaminants, and the quality control procedures specified in Section 61.102, Appendix I shall be used.
- F) Sampling deviations. If a sample is not collected according to the procedures specified for a listed contaminant, the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- sample shall be resampled within 14 days after observing the occurrence of the error following the procedures specified for the method to correct the sampling error.
- G) Testing. Testing shall be conducted by a laboratory certified under Section 611.490 for compliance analysis using the USEPA analytical methods listed in Table 1, Column 3 of the Unregulated Contaminant Monitoring Regulation (1999) List, 40 CFR 141.40(a)(3), for each contaminant.
- 3) Small systems that are part of the State Monitoring Plan. Unless directed otherwise by the Agency or the USEPA, in addition to subsection (e)(1) of this Section, systems serving 10,000 or fewer persons and that are part of the State Monitoring Plan shall comply with the following:
- A) Timeframe and frequency. Samples shall be collected at the times specified by the Agency or the USEPA, within the timeframe specified in Table 1, Column 6 of the Unregulated Contaminant Monitoring Regulation (1999) List and according to the frequency specified in Table 3, Monitoring Frequency by Contaminant and Water Source Types for the contaminant type and water source type.
- B) Location. Samples shall be collected at the locations specified by the Agency or the USEPA.
- C) Sampling deviations. If a sample is not collected according to the instructions provided for a listed contaminant, the deviation must be reported on the sample reporting form sent to the laboratory with the samples. The sample shall be resampled following instructions that will be sent from the USEPA's designated laboratory or the Agency.
- D) Sample kits. The sample collection kits sent by the USEPA's designated laboratory must be stored in a secure place until used for sampling. If indicated in the kit's instructions, the cold packs must be placed in a freezer. If any of the materials listed in the kit's instructions are not included or arrive damaged, the USEPA's designated laboratory that sent the sample collection kit must be notified.
- E) Sampling instructions. The instructions sent by the Agency or the USEPA concerning the use of containers, collection, dechlorination, preservation, and sealing and preparing the sample and shipping containers for shipment must be complied with. The instructions sent by the USEPA's designated laboratory concerning the handling of sample containers for specific contaminants must be complied with.
- F) Duplicate samples. If a system is selected for the State Monitoring Plan, and must collect duplicate samples for quality control, the system shall use two sample kits. The same sampling protocols for both sets of samples, following the instructions in the duplicate sample kit, must be used.
- G) Sampling forms. The sampling forms sent by the laboratory,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

for each sample must be filled out completely. The sampling forms must be signed and dated.

- H) Sample submission. The samples and the sampling forms must be sent to the laboratory designated in its instructions.

- E) If a system is selected as an index system in the State Monitoring Plan, appropriate sampling locations and information on which wells and intakes are in use at the time of sampling, well casing and screen depths (if known) for those wells, and the pumping rate of each well or intake at the time of sampling shall be identified to the Agency of the USEPA.

- F) If a system is selected for the Screening Surveys or Pre-Screen Testing, the following applies.

- 1) Large systems. If a system serves more than 10,000 persons, it must collect and arrange for testing of the contaminants Table 1, Unregulated Contaminant Monitoring Regulation (1999) List and Table 3, Monitoring Frequency by Contaminant and Water Source Types in accordance with the requirements set out in subsections (c) and (d) of this Section. The samples shall be sent to one of the laboratories designated by the USEPA in the notification. The test results shall be reported to the USEPA, and a copy provided to the Agency, as specified in Section 611.511.

- 2) Small systems. If a system serves 10,000 or fewer persons, samples shall be collected in accordance with the instructions sent by the Agency of the USEPA, or, if informed by the Agency or the USEPA that the Agency or the USEPA will collect the samples, the small system must assist the Agency or the USEPA in identifying the appropriate sampling locations and in taking the samples.

- G) Violations.
- 1) Any failure to monitor in accordance with subsections (c) through (f) of this Section or 611.511 Appendix I is a monitoring violation.
 - 2) Any failure to report in accordance with Section 611.511 is a reporting violation.

(Source: Added at 24 Ill. Reg. _____, effective _____.)

SUBPART L: MICROBIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.526 Analytical Methodology

- a) The standard sample volume required for total coliform analysis, regardless of analytical method used, is 100 ml.
- b) Suppliers need only determine the presence or absence of total coliforms, a determination of total coliform density is not required.
- c) Suppliers shall conduct total coliform analyses in accordance with one of the following analytical methods, incorporated by reference in Section 611.102 (the time from sample collection to initiation of

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

analysis may not exceed 30 hours, and the supplier is encouraged but not required to hold samples below 10° C during transit):

- 1) Total Coliform Membrane Filter (MFC) Technique, as set forth in Standard Methods, 18th or 19th ed.; Methods 9221 A and B:

- A) Lactose broth, as commercially available, may be used in lieu of lauryl tryptose broth if the supplier conducts at least 25 parallel tests between this medium and lauryl tryptose broth using the water normally tested and this comparison demonstrates that the false-positive rate and false negative rate for total coliforms, using lactose broth, is less than 10 percent;

- B) If inverted tubes are used to detect gas production, the media should cover these tubes at least one-half to two-thirds after the sample is added; and

- C) No requirement exists to run the completed phase on 10 percent of all total coliform-positive confirmed tubes.

- 2) Total Coliform Membrane Filter (MFC) Technique, as set forth in Standard Methods, 18th or 19th ed.; Methods 9222 A, B, and C.

- 3) Presence-Absence (P-A) Coliform Test, as set forth in: Standard Methods, 18th or 19th ed.; Method 9221 B:

- A) No requirement exists to run the completed phase on 10 percent of all total coliform-positive confirmed tubes; and

- B) Six-times formulation strength may be used if the medium is filter-sterilized rather than autoclaved.

- 4) ONPG-MUG test: Standard Methods, 18th or 19th ed.; Method 9223. (The ONPG-MUG test is also known as the autoanalysis collect system.)

- 5) Colisure Test (Autoanalysis Collect System) from-Millipore Corporation--incorporated-by-reference-in-Section-611.102. (The Colisure Test must be incubated for--28--hours--before--examining results---if--an--examination--of--the--results--at--28--hours--is--not--convenient--then--results--may--be--examined--at--any--time--between--24--hours--and--48--hours--may--be--read--after--an--incubation--time--of--24--hours.)

BOARD NOTE: USEPA included the P-A Coliform and Colisure Tests for testing finished water under the coliform rule, but did not include them for the purposes of the surface water treatment rule, under Section 611.531, for which quantitation of total coliforms is necessary. For these reasons, USEPA included Standard Methods: Method 9221 C for the surface water treatment rule, but did not include it for the purposes of the total coliform rule, under this Section.

- 6) m-ColiBlue24 (registered trademark) Test (Hatch Company, Inc.)
- 7) m-ColiBlue24 (registered trademark) Test (Hatch Company, Inc.)
- d) This subsection corresponds with 40 CFR 141.21(f)(4), which USEPA has marked "reserved". This statement maintains structural consistency with the federal regulations.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

e) Suppliers shall conduct fecal coliform analysis in accordance with the following procedure:

- 1) When the MF technique or P-A Coliform Test is used to test for total coliforms, shake the lactose-positive presumptive tube or P-A vigorously and transfer the growth with a sterile 3-mm loop or sterile applicator stick into brilliant green lactose bile broth and EC medium, defined below, to determine the presence of total and fecal coliforms, respectively.
- 2) For approved methods that use a membrane filter, transfer the total coliform-positive culture by one of the following methods: remove the membrane containing the total coliform colonies from the substrate with a sterile forceps and carefully curl and insert the membrane into a tube of EC medium. (The laboratory may first remove a small portion of selected colonies for verification); swab the entire membrane filter surface with a sterile cotton swab and transfer the inoculum to EC medium (do not leave the cotton swab in the EC medium); or inoculate individual total coliform-positive colonies into EC medium. Gently shake the inoculated tubes of EC medium to insure adequate mixing and incubate in a waterbath at 44.5 ± 0.2° C for 24 ± 2 hours. Gas production of any amount in the inner fermentation tube of the EC medium indicates a positive fecal coliform test.
- 3) EC medium is described in Standard Methods, 18th ed and 19th ed.; Method 9221E.
- 4) Suppliers need only determine the presence or absence of fecal coliforms, a determination of fecal coliform density is not required.

f) Suppliers shall conduct analysis of E. coli in accordance with one of the following analytical methods, incorporated by reference in Section 611.102:

- 1) EC medium supplemented with 50 mgug/L of MUG (final concentration). EC medium is as described in subsection (e) of this Section. MUG may be added to EC medium before autoclaving. EC medium supplemented with 50 mgug/L MUG is commercially available. At least 10 mL of EC medium supplemented with MUG must be used. The inner inverted fermentation tube may be omitted. The procedure for transferring a total coliform-positive culture to EC medium supplemented with MUG is as in subsection (e) of this Section for transferring a total coliform-positive culture to EC medium. Observe fluorescence with an ultraviolet light (366 nm) in the dark after incubating tube at 44.5 ± 0.2° C for 24 ± 2 hours; or
- 2) Nutrient agar supplemented with 100 mgug/L MUG (final concentration). Nutrient agar is described in Standard Methods, 18th ed. or 19th ed.; Method 9221. By at pages 9-47 to 9-49. This test is used to determine if a total coliform-positive sample, as determined by the MF technique or any other method in which a membrane filter is used, contains E. coli. Transfer the membrane

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

filter containing a total coliform colony or colonies to nutrient agar supplemented with 100 mgug/L MUG (final concentration). After incubating the agar plate at 35° Celsius for 4 hours, observe the colony or colonies under ultraviolet light (366 nm) in the dark for fluorescence. If fluorescence is visible, E. coli are present.

- 3) Minimal Medium ONPG-MUG (MMO-MUG) Test, as set forth in Section 611.102. (The Autolysis Coli-Test System is a MMO-MUG test.) If the MMO-MUG test is total coliform positive after a 24-hour incubation, test the medium for fluorescence with a 366-nm ultraviolet light (preferably with a 6-watt lamp) in the dark. If fluorescence is observed, the sample is E. coli-positive. If fluorescence is questionable (cannot be definitively read) after 24 hours incubation, incubate the culture for an additional four hours (but not to exceed 28 hours total), and again test the medium for fluorescence. The MMO-MUG test with hopes buffer is the only approved formulation for the detection of E. coli.
 - 4) The Colisure Test (Autolysis Coli-Test System) from Millipore Corporation, incorporated by reference in Section 611.102.
 - 5) The membrane filter method with M1 agar.
 - 6) The EC-Coli-Test (registered trademark) Test.
 - 7) The M-ColiBlue2i (registered trademark) Test.
- g) As an option to the method set forth in subsection (f)(3) of this Section, a supplier with a total coliform-positive, MUG-negative, MMO-MUG test may further analyze the culture for the presence of E. coli by transferring a 0.1 mL, 28-hour MMO-MUG culture to EC medium + MUG with a pipet. The formulation and incubation conditions of the EC medium + MUG, and observation of the results are described in subsection (f)(1) of this Section.
- h) This subsection corresponds with 40 CFR 141.21(f)(8), a central listing of all documents incorporated by reference into the federal microbiological analytical methods. The corresponding Illinois incorporations by reference are located at Section 611.102. This statement maintains structural parity with USEPA regulations.

BOARD NOTE: Derived from 40 CFR 141.21(f) (1993-1995).

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 611.531 Analytical Requirements

The analytical method(s) specified in this Section must be used to demonstrate compliance with the requirements of only 611-Subpart B; they do not apply to analyses performed for the purpose of Sections 611.521 through 611.527 of this Subpart. Measurements for pH, temperature, turbidity, and RDCs must be conducted under the supervision of a certified operator. Measurements for total coliforms, fecal coliforms and HPC must be conducted by a laboratory

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

certified by the Agency to do such analysis. The following procedures must be performed by the following methods, incorporated by reference in Section 611.102:

- a) A supplier shall:
 - 1) Conduct analysis of pH in accordance with one of the methods listed at Section 611.61; and
 - 2) Conduct analyses of total coliforms, fecal coliforms, heterotrophic bacteria, and turbidity in accordance with one of the following methods, and by using analytical test procedures contained in USEPA Technical Notes, incorporated by reference in Section 611.102:

A) Total coliforms:

BOARD NOTE: The time from sample collection to initiation of analysis for source (raw) water samples required by Sections 611.521 and 611.532 and 611-Subpart B only must not exceed 8 hours. The supplier is encouraged but not required to hold samples below 10° C during transit.

- i) Total coliform fermentation technique: Standard Methods, 18th ed. or 19th ed.: Method 9221 A, B, and C.

BOARD NOTE: Lactose broth, as commercially available, may be used in lieu of lauryl tryptose broth if the supplier conducts at least 25 parallel tests between this medium and lauryl tryptose broth using the water normally tested and this comparison demonstrates that the false-positive rate and false-negative rate for total coliforms, using lactose broth, is less than 10 percent. If inverted tubes are used to detect gas production, the media should cover these tubes at least one-half to two-thirds after the sample is added. No requirement exists to run the completed phase on 10 percent of all total coliform-positive confirmed tubes.

- ii) Total coliform membrane filter technique: Standard Methods, 18th ed. or 19th ed.: Method 9222 A, B, and C.

- iii) ONPG-MUG test (also known as the autoanalysis colilert system): Standard Methods, 18th ed. or 19th ed.: Method 9223.

BOARD NOTE: USEPA included the P-A Coliform and Colisure tests for testing finished water under the coliform rule, under Section 611.526, but did not include them for the purposes of the surface water treatment rule, under this Section, for which quantitation of total coliforms is necessary. For these reasons, USEPA included Standard Methods: Method 9221 C for the surface water treatment rule, but did not include it for the purposes of the total

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

coliform rule, under Section 611.526.

B) Fecal Coliforms:

BOARD NOTE: The time from sample collection to initiation of analysis for source (raw) water samples required by Sections 611.521 and 611.532 and 611-Subpart B only must not exceed 8 hours. The supplier is encouraged but not required to hold samples below 10° C during transit.

- i) Fecal coliform procedure: Standard Methods, 18th ed. or 19th ed.: Method 9221 E.

BOARD NOTE: A-1 broth may be held up to three months in a tightly closed screwcap tube at 4° C (39° F).

- ii) Fecal Coliforms Membrane Filter procedure: Standard Methods, 18th ed. or 19th ed.: Method 9222 D.

C) Heterotrophic bacteria: Pour plate method: Standard Methods, 18th ed. or 19th ed.: Method 9215 B.

BOARD NOTE: The time from sample collection to initiation of analysis must not exceed 8 hours. The supplier is encouraged but not required to hold samples below 10° C during transit.

D) Turbidity:

- i) Nephelometric method: Standard Methods, 18th ed. or 19th ed.: Method 2130 B.

- ii) Nephelometric method: USEPA Environmental Inorganic Methods: Method 180.1

- iii) GUI Method 2.

E) Temperature: Standard Methods, 18th ed. or 19th ed.: Method 2350.

a) A supplier shall measure residual disinfectant concentrations with one of the following analytical methods from Standard Methods, 18th ed., and by using analytical test procedures contained in USEPA Technical Notes, incorporated by reference in Section 611.102:

- 1) Free chlorine:

- A) Amperometric Titration: Method 4500-Cl D.
- B) DPD Ferrous Titrimetric: Method 4500-Cl F.
- C) DPD Colimetric: Method 4500-Cl G.

- D) Syringaldehyde (FACTS): Method 4500-Cl H.

2) Total chlorine:

- A) Amperometric Titration: Method 4500-Cl D.
- B) Amperometric Titration (low level measurement): Method 4500-Cl E.

- C) DPD Ferrous Titrimetric: Method 4500-Cl F.
- D) DPD Colimetric: Method 4500-Cl G.

- E) Iodometric Electrode: Method 4500-Cl I.

3) Chlorine dioxide:

- A) Amperometric Titration: Method 4500-ClO(2) C or E.

- B) DPD Method: Method 4500-ClO(2) D.

- 4) Ozone: Indigo Method: Method 4500-O(3) B.

- 5) Alternative test methods: The Agency may grant a SEP pursuant to

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 611.110 that allows a supplier to use alternative chlorine test methods as follows:

- A) DPD colorimetric test kits: Residual disinfectant concentrations for free chlorine and combined chlorine may also be measured by using DPD colorimetric test kits.
- B) Continuous monitoring for free and total chlorine: Free and total chlorine residuals may be measured continuously by adapting a specified chlorine residual method for use with a continuous monitoring instrument, provided the chemistry, accuracy, and precision remain the same. Instruments used for continuous monitoring must be calibrated with a grab sample measurement at least every five days or as otherwise provided by the Agency.

BOARD NOTE: Suppliers may use a five-tube test or a ten-tube test.

BOARD NOTE: Derived from 40 CFR 141.74(a) (1999 ±995).

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.611 Inorganic Analysis

Analytical methods are from documents incorporated by reference in Section 611.102. These are mostly referenced by a short name defined by Section 611.102(a). Other abbreviations are defined in Section 611.101.

- a) Analysis for the following contaminants must be conducted using the following methods or an alternative approved pursuant to Section 611.480. Criteria for analyzing arsenic, chromium, copper, lead, nickel, selenium, sodium, and thallium with digestion or directly without digestion, and other analytical procedures, are contained in USEPA Technical Notes, incorporated by reference in Section 611.102. (This document also contains approved analytical test methods that remain available for compliance monitoring until July 1, 1996. These methods will not be available for use after July 1, 1996.)

1) Antimony:

- A) Inductively-coupled plasma-mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.
- B) Atomic absorption, hydride technique: ASTM Method D3697-92.
- C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.
- D) Atomic absorption, furnace technique: Standard Methods, 18th ed.: Method 3113 B.

2)

- A) Inductively-coupled Plasma:
- 1) USEPA Environmental Metals Methods: Method 200.7, or
 - 1) Standard Methods (18th ed.): Method 3120 B.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- B) Inductively-coupled plasma-mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.
- C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.
- D) Atomic Absorption, furnace technique:
- i) ASTM Method D2972-93 C, or
 - ii) Standard Methods, 18th ed.: Method 3113 B.
- E) Atomic absorption, hydride technique:
- i) ASTM Method D2972-93 B, or
 - ii) Standard Methods, 18th ed.: Method 3114 B.
- 3) Asbestos: Transmission electron microscopy: USEPA Asbestos Methods-100.1 and USEPA Asbestos Methods-100.2.
- 4) Barium:
- A) Inductively-coupled plasma:
 - i) USEPA Environmental Metals Methods: Method 200.7, or
 - ii) Standard Methods, 18th ed.: Method 3120 B.
- B) Inductively-coupled plasma-mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.
- C) Atomic absorption, direct aspiration technique: Standard Methods, 18th ed.: Method 3111 D.
- D) Atomic absorption, furnace technique: Standard Methods, 18th ed.: Method 3113 B.
- 5) Beryllium:
- A) Inductively-coupled plasma:
 - i) USEPA Environmental Metals Methods: Method 200.7, or
 - ii) Standard Methods, 18th ed.: Method 3120 B.
- B) Inductively-coupled plasma-mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.
- C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.
- D) Atomic absorption, furnace technique:
- i) ASTM Method D 3645-93 B, or
 - ii) Standard Methods, 18th ed.: Method 3113 B.
- 6) Cadmium:
- A) Inductively-coupled plasma arc furnace: USEPA Environmental Metals Methods: Method 200.7.
- B) Inductively-coupled plasma-mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.
- C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.
- D) Atomic absorption, furnace technique: Standard Methods, 18th ed.: Method 3113 B.
- 7) Chromium:
- A) Inductively-coupled plasma arc furnace:
 - i) USEPA Environmental Metals Methods: Method 200.7, or
 - ii) Standard Methods, 18th ed.: Method 3120 B.
- B) Inductively-coupled plasma-mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.
 D) Atomic absorption, furnace technique: Standard Methods, 18th ed.: Method 3113 B.
- 8) Cyanide:
 A) Manual distillation (Standard Methods 18th ed.: Method 4500-CN(-) C), followed by spectrophotometric, amenable:
 i) ASTM Method D203691 B,
 ii) Standard Methods, 18th ed.: Method 4500-CNTG (-).
 B) Manual distillation (Standard Methods 18th ed.: Method 4500-CN(-) C), followed by spectrophotometric, manual:
 i) ASTM Method D2036-91A,
 ii) Standard Methods, 18th ed.: Method 4500-CN(-) E, or
 iii) USGS Methods: Method T-3300-85.
 C) Manual distillation (Standard Methods, 18th ed.: Method 4500-CN(-) C), followed by semiautomated spectrophotometric: USEPA Environmental Inorganic Methods: Method 355.4.
 D) Selective electrode: Standard Methods, 18th ed.: Method 4500-CN(-) F.
- 9) Fluoride:
 A) Ion chromatography:
 i) USEPA Environmental Inorganic Methods: Method 300.0,
 ii) ASTM Method D4327-91, or
 iii) Standard Methods, 18th ed.: Method 4110 B.
 B) Manual distillation, colorimetric SPADNS: Standard Methods, 18th ed.: Method 4500-F(-) B and D.
 C) Manual electrode:
 i) ASTM Method D1179-93B, or
 ii) Standard Methods, 18th ed.: Method 4500-F(-) C.
 D) Automated electrode: Technicon Methods: Method 380-75WB.
 E) Automated alizarin:
 i) Standard Methods, 18th ed.: Method 4500-F(-) E, or
 ii) Technicon Methods: Method 129-71W.
- 10) Mercury:
 A) Manual cold vapor technique:
 i) USEPA Environmental Metals Methods: Method 245.1,
 ii) ASTM Method D3223-91, or
 iii) Standard Methods, 18th ed.: Method 3112 B.
 B) Automated cold vapor technique: USEPA Inorganic Methods: Method 245.2.
 C) Inductively-coupled plasma-mass spectrometry: USEPA Environmental Metals Methods: Method 200.6.
- 11) Nickel:
 A) Inductively-coupled plasma:
 i) USEPA Environmental Metals Methods: Method 200.7, or
 ii) Standard Methods, 18th ed.: Method 3120 B.
 B) Inductively-coupled plasma-mass spectrometry: USEPA

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- Environmental Metals Methods: Method 200.8.
 C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.
 D) Atomic absorption, direct aspiration technique: Standard Methods, 18th ed.: Method 3111 B.
 E) Atomic absorption, furnace technique: Standard Methods, 18th ed.: Method 3113 B;
- 12) Nitrate:
 A) Ion chromatography:
 i) USEPA Environmental Inorganic Methods: Method 300.0,
 ii) ASTM Method D4327-91,
 iii) Standard Methods, 18th ed.: Method 4110 B, or
 iv) Waters Test Method B-1011, available from Millipore Corporation.
 B) Automated cadmium reduction:
 i) USEPA Environmental Inorganic Methods: Method 353.2,
 ii) ASTM Method D3867-90 A, or
 iii) Standard Methods, 18th ed.: Method 4500-NO[3](-) F.
 C) Ion selective electrode:
 i) Standard Methods, 18th ed.: Method 4500-NO[3](-) D, or
 ii) Technical Bulletin 601.
 D) Manual cadmium reduction:
 i) ASTM Method D3867-90 B, or
 ii) Standard Methods, 18th ed.: Method 45-NO[3](-) E.
- 13) Nitrite:
 A) Ion chromatography:
 i) USEPA Environmental Inorganic Methods: Method 300.0,
 ii) ASTM Method D4327-91,
 iii) Standard Methods, 18th ed.: Method 4110 B, or
 iv) Waters Test Method B-1011, available from Millipore Corporation.
 B) Automated cadmium reduction:
 i) USEPA Environmental Inorganic Methods: Method 353.2,
 ii) ASTM Method D3867-90 A, or
 iii) Standard Methods, 18th ed.: Method 4500-NO[3](-) F.
 C) Manual cadmium reduction:
 i) ASTM Method D3867-90 B, or
 ii) Standard Methods, 18th ed.: Method 4500-NO[3](-) E.
 D) Spectrophotometric: Standard Methods, 18th ed.: Method 4500-NO[2](-) B.
- 14) Selenium:
 A) Atomic absorption, hydride:
 i) ASTM Method D3859-93 A, or
 ii) Standard Methods, 18th ed.: Method 3114 B.
 B) Inductively-coupled plasma-mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.
 C) Atomic absorption, platform furnace technique: USEPA

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- Environmental Metals Methods: Method 200.9.
- D) Atomic absorption, furnace technique:
- ASTM Method D3559-93 B, or
 - Standard Methods, 18th ed.: Method 3113 B.
- 15) Thallium:
- Inductively-coupled plasma-mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.
 - Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.
- 16) Lead:
- Atomic absorption, furnace technique:
 - ASTM Method D3559-90 D, or
 - Standard Methods, 18th ed.: Method 3113 B.
 - Inductively-coupled plasma-mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.
 - Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.
- 17) Copper:
- Atomic absorption, furnace technique:
 - ASTM Method D1688-90 C, or
 - Standard Methods, 18th ed.: Method 3113 B.
 - Atomic absorption, direct aspiration:
 - ASTM Method D1688-90 A, or
 - Standard Methods, 18th ed.: Method 3111 B.
 - Inductively-coupled plasma:
 - USEPA Environmental Metals Methods: Method 200.7, or
 - Standard Methods, 18th ed.: Method 3120 B.
 - Inductively-coupled plasma-mass spectrometry: USEPA Environmental Metals Methods: Method 200.8.
 - Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods: Method 200.9.
- 18) pH:
- Electrometric:
- USEPA Inorganic Methods: Method 150.1,
 - ASTM Method D1293-84, or
 - Standard Methods, 18th ed.: Method 4500-H(+) B.
- 19) Conductivity: Conductance:
- ASTM Method D125-91 A, or
 - Standard Methods, 18th ed.: Method 2510 B.
- 20) Calcium:
- EDTA titrimetric:
 - ASTM Method, D511-93 A, or
 - Standard Methods, 18th ed.: Method 3500-Ca D.
 - Atomic absorption, direct aspiration:
 - ASTM Method D511-93 B, or
 - Standard Methods, 18th ed.: Method 3111 B.
 - Inductively-coupled plasma:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- USEPA Environmental Metals Methods: Method 200.7, or
- Standard Methods, 18th ed.: Method 3120 B.
- 21) Alkalinity:
- Titrimetric:
 - ASTM Method D1067-92 B, or
 - Standard Methods, 18th ed.: Method 2320 B.
 - Electrometric titration: USGS Methods: Method I-1030-85.
- 22) Orthophosphate (unfiltered, without digestion or hydrolysis):
- Automated colorimetric, ascorbic acid:
 - USEPA Environmental Inorganic Methods: Method 365.1, or
 - Standard Methods, 18th ed.: Method 4500-P F.
 - Single reagent colorimetric, ascorbic acid:
 - ASTM Method D515-88 A, or
 - Standard Methods, 18th ed.: Method 4500-P E.
 - Colorimetric, phosphomolybdate: USGS Methods: Method I-1601-85.
 - Colorimetric, phosphomolybdate, automated-segmented flow: USGS Methods: Method I-2601-90.
 - Colorimetric, phosphomolybdate, automated discrete: USGS Methods: Method I-2598-85.
 - Ion Chromatography:
 - USEPA Environmental Inorganic Methods: Method 300.0,
 - ASTM Method D4327-91, or
 - Standard Methods, 18th ed.: Method 4110.
- 23) Silica:
- Colorimetric, molybdate blue: USGS Methods: Method I-1700-85.
 - Colorimetric, molybdate blue, automated-segmented flow: USGS Methods: Method I-2700-85.
 - Colorimetric: ASTM Method D859-88.
 - Molybdosilicate: Standard Methods, 18th ed.: Method 4500-Si D.
 - Heteropoly blue: Standard Methods, 18th ed.: Method 4500-Si E.
 - Automated method for molybdate-reactive silica: Standard Methods, 18th ed.: Method 4500-Si F.
 - Inductively-coupled plasma:
 - USEPA Environmental Metals Methods: Method 200.7, or
 - Standard Methods, 18th ed.: Method 3120 B.
 - Temperature: thermometric: Standard Methods, 18th ed.: Method 2550.
 - Sodium:
 - Inductively-coupled plasma: USEPA Environmental Metals Methods: Method 200.7.
 - Atomic absorption, direct aspiration: Standard Methods, 18th ed.: Method 3111 B.
- b) Sample collection for antimony, asbestos, barium, beryllium, cadmium,

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

chromium, cyanide, fluoride, mercury, nickel, nitrate, nitrite, selenium, and thallium pursuant to Sections 611.600 through 611.604 must be conducted using the following sample preservation, container, and maximum holding time procedures:

- 1) Antimony:
 - A) Preservative: Concentrated nitric acid to pH less than 2.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.
- 2) Asbestos:
 - A) Preservative: Cool to 4° C.
 - B) Plastic or glass (hard or soft).
- 3) Barium:
 - A) Preservative: Concentrated nitric acid to pH less than 2.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.
- 4) Beryllium:
 - A) Preservative: Concentrated nitric acid to pH less than 2.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.
- 5) Cadmium:
 - A) Preservative: Concentrated nitric acid to pH less than 2.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.
- 6) Chromium:
 - A) Preservative: Concentrated nitric acid to pH less than 2.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.
- 7) Cyanide:
 - A) Preservative: Cool to 4° C. Add sodium hydroxide to pH > 12. See the analytical methods for information on sample preservation.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 14 days.
- 8) Fluoride:
 - A) Preservative: None.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 1 month.
- 9) Mercury:
 - A) Preservative: Concentrated nitric acid to pH less than 2.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 10) Nickel:

collection as possible, but in any event within 28 days.

 - A) Preservative: Concentrated nitric acid to pH less than 2.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.
- 11) Nitrate, chlorinated:
 - A) Preservative: Cool to 4° C.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 28 days.
- 12) Nitrate, non-chlorinated:
 - A) Preservative: Concentrated sulfuric acid to pH less than 2.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 14 days.
- 13) Nitrite:
 - A) Preservative: Cool to 4° C.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 48 hours.
- 14) Selenium:
 - A) Preservative: Concentrated nitric acid to pH less than 2.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.
- 15) Thallium:
 - A) Preservative: Concentrated nitric acid to pH less than 2.
 - B) Plastic or glass (hard or soft).
 - C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.
- c) Analyses under this Subpart must be conducted by laboratories that received approval from USPPA or the Agency. Laboratories may conduct sample analyses for antimony, beryllium, cyanide, nickel, and thallium under provisional certification granted by the Agency until January 1, 1996. The Agency shall certify laboratories to conduct analyses for antimony, asbestos, barium, cerium, cadmium, chromium, cyanide, fluoride, mercury, nickel, nitrate, nitrite, selenium, and thallium if the laboratory:
 - 1) Analyzes performance evaluation samples, provided by the Agency pursuant to 35 Ill. Adm. Code 183.125(c), that include those substances at levels not in excess of levels expected in drinking water; and
 - 2) Achieves quantitative results on the analyses within the following acceptance limits:
 - A) Antimony: $\pm 30\%$ at greater than or equal to 0.006 mg/L.
 - B) Asbestos: 2 standard deviations based on study statistics.
 - C) Barium: $\pm 15\%$ at greater than or equal to 0.15 mg/L.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- D) Beryllium: $\pm 15\%$ at greater than or equal to 0.001 mg/L.
 E) Cadmium: $\pm 20\%$ at greater than or equal to 0.002 mg/L.
 F) Chromium: $\pm 15\%$ at greater than or equal to 0.03 mg/L.
 G) Cyanide: $\pm 25\%$ at greater than or equal to 0.1 mg/L.
 H) Fluoride: $\pm 10\%$ at 1 to 10 mg/L.
 I) Mercury: $\pm 30\%$ at greater than or equal to 0.0005 mg/L.
 J) Nickel: $\pm 15\%$ at greater than or equal to 0.01 mg/L.
 K) Nitrate: $\pm 10\%$ at greater than or equal to 0.4 mg/L.
 L) Nitrite: $\pm 15\%$ at greater than or equal to 0.4 mg/L.
 M) Selenium: $\pm 20\%$ at greater than or equal to 0.01 mg/L.
 N) Thallium: $\pm 30\%$ at greater than or equal to 0.002 mg/L.
 O) Vanadium: $\pm 10\%$ at greater than or equal to 0.01 mg/L.

BOARD NOTE: Subsection (e) of this Section is derived from the table to 40 CFR 141.23(k)(2) (1999 1995) and the discussion at 57 Fed. Reg. 31809 (July 17, 1992). Section 611-609 is derived from 40 CFR 141.23(k)(2) (1995).

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 611.612 Monitoring Requirements for Old Inorganic MCLs

- a) Analyses for the purpose of determining compliance with the old inorganic MCLs of Section 611.300 are required as follows:
- 1) Analyses for all CWSs utilizing surface water sources must be repeated at yearly intervals.
 - 2) Analyses for all CWSs utilizing only groundwater sources must be repeated at three-year intervals.
 - 3) This subsection corresponds with 40 CFR 141.23(l)(3) (1994), which requires monitoring for the repealed old MCL for nitrate at a frequency specified by the state. The Board has followed the USEPA 4-9-8-EPA lead and repealed that old MCL. This statement maintains structural consistency with USEPA 4-9-8-EPA rules.
 - 4) This subsection corresponds with 40 CFR 141.23(l)(4) (1994), which authorizes the state to determine compliance and initiate enforcement action. This authority exists through the authorization of the Act, not through federal rules. This statement maintains structural consistency with USEPA 4-9-8-EPA rules.
- b) If the result of an analysis made under subsection (a) of this Section above indicates that the level of any contaminant listed in Section 611.300 exceeds the old MCL, the supplier shall report to the Agency within 7 days and initiate three additional analyses at the same sampling point within one month.
- c) When the average of four analyses made pursuant to subsection (b) of this Section above, rounded to the same number of significant figures as the old MCL for the substance in question, exceeds the old MCL, the supplier shall notify the Agency and give notice to the public pursuant to Subpart T of this Part. Monitoring after public notification must be at a frequency designated by the Agency by a SEP

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

granted pursuant to Section 611.110 and must continue until the old MCL has not been exceeded in two successive samples or until a different monitoring schedule becomes effective as a condition to a variance, an adjusted standard, a site specific rule, an enforcement action, or another SEP granted pursuant to Section 611.110.

- d) This subsection corresponds with 40 CFR 141.23(o) (1994), which pertains to monitoring for the repealed old MCL for nitrate. The Board has followed the USEPA 4-9-8-EPA action and repealed that old MCL. This statement maintains structural consistency with USEPA 4-9-8-EPA rules.

e) This subsection corresponds with 40 CFR 141.23(p) (1994), which pertains to the use of existing data up until a date long since expired. The Board did not adopt the original provision in R88-26. This statement maintains structural consistency with 4-9-8-EPA rules.

- f) Except for arsenic, for which analyses must be made in accordance with the Section 611.611, analyses conducted to determine compliance with the old MCLs of Section 611.300 must be made in accordance with the following methods, incorporated by reference in Section 611.102.

- 1) Fluoride: The methods specified in Section 611.611(c) shall apply for the purposes of this Section.
- 2) Iron:

A) Standard Methods, 18th ed.:

- i) Method 3111 B, or
- ii) Method 3113 B, or
- iii) Method 3120 B.

B) U.S. EPA Environmental Metals Methods:

- i) Method 200.7, or
- ii) Method 200.9.

3) Manganese:

A) Standard Methods, 18th ed.:

- i) Method 3111 B, or
- ii) Method 3113 B, or
- iii) Method 3120 B.

B) U.S. EPA Environmental Metals Methods:

- i) Method 200.7, or
- ii) Method 200.8, or
- iii) Method 200.9.

4) Zinc:

A) Standard Methods, 18th ed.:

- i) Method 3111 B, or
- ii) Method 3120 B.

B) U.S. EPA Environmental Metals Methods:

- i) Method 200.7, or
- ii) Method 200.8.

BOARD NOTE: The provisions of subsections (a) through (f) of this Section above derive from 40 CFR 141.23(l) through (p) (19991994), as amended at 59 Fed. Reg. 62466 (Dec. 5, 1994). U.S. EPA removed and reserved 40 CFR 141.23(q) (formerly 40 CFR 141.23(f)) at 59 Fed. Reg.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

62466 (Dec. 5, 1994). Subsection (f)(2) of this Section **above** relates to a contaminant for which U.S. EPA specifies an MCL, but for which it repealed the analytical method. Subsections (f)(2) through (f)(4) of this Section **above** relate exclusively to additional state requirements. The Board retained subsections (f)(1), (f)(3), and (f)(4) of this Section to set forth methods for the inorganic contaminants for which there is a state-only MCL. The methods specified are those set forth in 40 CFR 143.4(b) [1993]-**as amended at 59---Fed. Reg.---62471---(Dec. 5---1994)**, for secondary MCLs. The predecessor to subsections (a) through (e) of this Section **above** were formerly codified as Section 611.601. The predecessor to subsection (f) of this Section **above** was formerly codified as Section 611.606.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.645 Analytical Methods for Organic Chemical Contaminants

Analysis for the Section 611.311(a) VOCs under Section 611.646; the Section 611.311(c) SOCs under Section 611.648; the Section 611.310 old organic MCLs under Section 611.641; and for **THMs**, **THMEs**, and **THM** potential shall be conducted using the methods listed in this Section or by equivalent methods as approved by the Agency pursuant to Section 611.480. All methods are from USEPA Organic Methods unless otherwise indicated.

Volatile Organic Chemical Contaminants (VOCs):

Contaminant	Analytical Methods
Benzene	502.2, 524.2
Carbon tetrachloride	502.2, 524.2, 551.1
Chlorobenzene	502.2, 524.2
1,2-Dichlorobenzene	502.2, 524.2
1,4-Dichlorobenzene	502.2, 524.2
1,2-Dichloroethane	502.2, 524.2
cis-Dichloroethylene	502.2, 524.2
trans-Dichloroethylene	502.2, 524.2
Dichloromethane	502.2, 524.2

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1,2-Dichloropropane	502.2, 524.2
Ethylbenzene	502.2, 524.2
Styrene	502.2, 524.2
Tetrachloroethylene	502.2, 524.2, 551.1
1,1,1-Trichloroethane	502.2, 524.2, 551.1
Trichloroethylene	502.2, 524.2, 551.1
Toluene	502.2, 524.2
1,2,4-Trichlorobenzene	502.2, 524.2
1,1-Dichloroethylene	502.2, 524.2
1,1,2-Trichloroethane	502.2, 524.2
Vinyl chloride	502.2, 524.2
Xylenes (total)	502.2, 524.2
Synthetic Organic Chemical Contaminants (SOCs):	
Contaminant	Analytical Methods
2,3,7,8-Tetrachlorodibenzodioxin (2,3,7,8-TCDD or dioxin)	Dioxin-and-Puran Method 1613
2,4-D	515.1, 515.3, 551.2, 555.1, 515.3, D5317-93
2,4,5-TP (Silvex)	515.1, 515.3, 551.2, 555.1, 515.3, D5317-93
Alachlor	505.1, 507, 508.1, 525.2, 551.1
Atrazine	505.1, 507, 508.1, 525.2, 551.1
Benzo(a)pyrene	525.2, 550, 550.1
Carbofuran	531.1, Standard

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Chlordane	Methods:---10th---ed--- Method 6610
	505, 508, 508.1, 525.2
Dalapon	515.1, 552.1, <u>552.2</u> , <u>515.3</u>
Di(2-ethylhexyl)adipate	506, 525.2
Di(2-ethylhexyl)phthalate	506, 525.2
Dibromochloropropane (DBCP)	504.1, 551.1
Dinoseb	515.1, 515.2, <u>515.3</u> , 555
Diquat	549.1
Endothall	548.1
Endrin	505, 508, 508.1, <u>525.2</u> , <u>551.1</u>
Ethylene Dibromide (EDB)	504.1, 551.1
Glyphosate	547. Standard Methods:---10th---ed--- Method 6651
Heptachlor	505, 508, 508.1, <u>525.2</u> , <u>551.1</u>
Heptachlor Epoxide	505, 508, 508.1, <u>525.2</u> , <u>551.1</u>
Hexachlorobenzene	505, 508, 508.1, <u>525.2</u> , <u>551.1</u>
Hexachlorocyclopentadiene	505, 508, 508.1, <u>525.2</u> , <u>551.1</u>
Lindane	505, 508, 508.1, <u>525.2</u> , <u>551.1</u>

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Methoxychlor	505, 508, 508.1, <u>525.2</u> , <u>551.1</u>
Oxamyl	531.1. Standard Methods:---10th---ed--- Method 6610
PCBs (measured for compliance purposes as decchlorobiphenyl)	508A
PCBs (qualitatively identified as Atraciors)	505, 508, 508.1, <u>525.2</u>
Pentachlorophenol	515.1, 515.2, 525.2, <u>555</u> , <u>515.3</u> , <u>D5317-93</u>
Picloram	515.1, 515.2, 555, <u>515.3</u> , <u>D5317-93</u>
Simazine	505*, 507, 508.1, <u>525.2</u> , <u>551.2</u>
Toxaphene	505, 508, 525.2, <u>508.1</u>
Total Trihalomethanes (THMs):	
Contaminant	Analytical Methods
Total Trihalomethanes (THMs), Trihalomethanes (THMs), and Maximum Total Trihalomethane Potential	502.2, 524.2, 551
State-Only MCLs (for which a method is not listed above):	
Contaminant	Analytical Methods
Aldrin	505, 508, 508.1, 525.2
DDT	505, 508
Dieldrin	505, 508, 508.1, 525.2

* denotes that for the particular contaminant, a nitrogen-phosphorus detector should be substituted for the electron capture detector in method 505 (or another approved method should be used) to determine alachlor, atrazine, and simazine if lower detection limits are required.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

BOARD NOTE: Derived from 40 CFR 141.24 (1999+1995).

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 611.646 Phase I, Phase II, and Phase V Volatile Organic Contaminants

Monitoring of the Phase I, Phase II, and Phase V VOCs for the purpose of determining compliance with the MCL must be conducted as follows:

a) Definitions. As used in this Section:

"Detect" and "detection" means that the contaminant of interest is present at a level greater than or equal to the "detection limit".

"Detection limit" means 0.0005 mg/L.

BOARD NOTE: Derived from 40 CFR 141.24(f)(7), (f)(11), (f)(14)(i), and (f)(20) (1999+1994). This is a "trigger level" for Phase I, Phase II, and Phase V VOCs inasmuch as it prompts further action. The use of the term "detect" in this Section is not intended to include any analytical capability of quantifying lower levels of any contaminant, or the "method detection limit". Note, however, that certain language at the end of federal paragraph (f)(20) is capable of meaning that the "method detection limit" is used to derive the "detection limit". The Board has chosen to disregard that language at the end of paragraph (f)(20) in favor of the more direct language of paragraphs (f)(7) and (f)(11).

"Method detection limit", as used in subsections (q) and (t) of this Section below means the minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.

BOARD NOTE: Derived from 40 CFR 136, Appendix B (1999+1994). The method detection limit is determined by the procedure set forth in 40 CFR 136, Appendix B. See subsection (t) of this Section below.

b) Required sampling. Each supplier shall take a minimum of one sample at each sampling point at the times required in subsection (u) of this Section below.

c) Sampling points.

1) Sampling points for GWSs. Unless otherwise provided by SEP, a GWS supplier shall take at least one sample from each of the following points: each entry point that is representative of each well after treatment.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

2) Sampling points for SMSs and mixed systems. Unless otherwise provided by SEP, a GWS or mixed system supplier shall sample from each of the following points:

- A) Each entry point after treatment; or
- B) Points in the distribution system that are representative of each source.

3) The supplier shall take each sample at the same sampling point unless the Agency has granted a SEP that designates another location as more representative of each source, treatment plant, or within the distribution system.

4) If a system draws water from more than one source, and the sources are combined before distribution, the supplier shall sample at an entry point during periods of normal operating conditions when water is representative of all sources being used.

BOARD NOTE: Subsections (b) and (c) of this Section above derived from 40 CFR 141.24(f)(1) through (f)(3) (1999+1994).

d) Each GWS and NTNWS supplier shall take four consecutive quarterly samples for each of the Phase I VOCs, excluding vinyl chloride, and Phase II VOCs during each compliance period, beginning in the compliance period starting in the initial compliance period.

e) Reduction to annual monitoring frequency. If the initial monitoring for the Phase I, Phase II, and Phase V VOCs as allowed in subsection (t)(1) of this Section below has been completed by December 31, 1992, and the supplier did not detect any of the Phase I VOCs, including vinyl chloride, Phase II, or Phase V VOCs, then the supplier shall take one sample annually beginning in the initial compliance period.

f) GWS reduction to triennial monitoring frequency. After a minimum of three years of annual sampling, GWS suppliers that have not previously detected any of the Phase I VOCs, including vinyl chloride, Phase II, or Phase V VOCs shall take one sample during each three-year compliance period.

g) A GWS or NTNWS supplier that has completed the initial round of monitoring required by subsection (d) of this Section above and which did not detect any of the Phase I VOCs, including vinyl chloride, Phase II, and Phase V VOCs may apply to the Agency for a SEP pursuant to Section 611.110 that releases it from the requirements of subsection (e) or (f) of this Section above. A supplier that serves fewer than 3300 service connections may apply to the Agency for a SEP pursuant to Section 611.110 that releases it from the requirements of subsection (d) of this Section above as to 1,2,4-trichlorobenzene.

BOARD NOTE: Derived from 40 CFR 141.24(f)(7) and (f)(10) (1999+1994), and the discussion at 57 Fed. Reg. 31825 (July 17, 1992). Provisions concerning the term of the waiver appear below in subsections (i) and (j) of this Section below. The definition of "detect", parenthetically added to the federal counterpart paragraph is in subsection (a) of this Section above.

h) Vulnerability Assessment. The Agency shall consider the factors of

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 611.110(e) in granting a SEP from the requirements of subsections (d), (e), or (f) of this Section above sought pursuant to subsection (g) of this Section above.

- 1) A SEP issued to a GWS pursuant to subsection (g) of this Section above is for a maximum of six years, except that a SEP as to the subsection (d) of this Section above monitoring for 1,2,4-trichlorobenzene shall apply only to the initial round of monitoring. As a condition of a SEP, except as to a SEP from the initial round of subsection (d) of this Section above monitoring for 1,2,4-trichlorobenzene, the supplier shall, within 30 months after the beginning of the period for which the waiver was issued, reconfirm its vulnerability assessment required by subsection (h) of this Section above and submitted pursuant to subsection (g) of this Section above, by taking one sample at each sampling point and reapplying for a SEP pursuant to subsection (g) of this Section above. Based on this application, the Agency shall either:

- 1) If it determines that the PWS meets the standard of Section 611.610(e), issue a SEP that reconfirms the prior SEP for the remaining three-year compliance period of the six-year maximum term; or,

- 2) Issue a new SEP requiring the supplier to sample annually.

BOARD NOTE: This provision does not apply to SMSs and mixed systems.

- 3) Special considerations for SEPs for SMS and mixed systems.

- 1) The Agency must determine that a SMS is not vulnerable before issuing a SEP pursuant to a SMS supplier. A SEP issued to a SMS or mixed system supplier pursuant to subsection (g) of this Section above is for a maximum of one compliance period; and

- 2) The Agency may require, as a condition to a SEP issued to a SMS or mixed supplier, that the supplier take such samples for Phase I, Phase II, Phase V VOCs at such a frequency as the Agency determines are necessary, based on the vulnerability assessment.

BOARD NOTE: There is a great degree of similarity between 40 CFR 141.24(f)(7), the provision applicable to GWSs, and 40 CFR 141.24(f)(10), the provision for SMSs. The Board has consolidated the common requirements of both paragraphs into subsection (g) of this Section above. Subsection (j) of this Section above represents the elements unique to SMSs and mixed systems, and subsection (i) of this Section above relates to GWSs. Although 40 CFR 141.24(f)(7) and (f)(10) are silent as to mixed systems, the Board has included mixed systems with SMSs because this best follows the federal scheme for all other contaminants.

- k) If one of the Phase I VOCs, excluding vinyl chloride, Phase II, or Phase V VOCs is detected in any sample, then:

- 1) The supplier shall monitor quarterly for that contaminant at each sampling point that resulted in a detection.

- 2) Annual monitoring.

- A) The Agency shall grant a SEP pursuant to Section 611.110

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

that allows a supplier to reduce the monitoring frequency to annual at a sampling point if it determines that the sampling point is reliably and consistently below the MCL. Information:

- B) A request for a SEP must include the following minimal information:

- i) For a GWS, two quarterly samples.

- ii) For a SMS or mixed system, four quarterly samples.

- C) In issuing a SEP, the Agency shall specify the level of the contaminant upon which the "reliably and consistently" determination was based. All SEPs that allow less frequent monitoring based on an Agency "reliably and consistently" determination shall include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (k)(1) of this Section above if it violates the MCL specified by Section 611.311.

- 3) Suppliers that monitor annually shall monitor during the quarter(s) that previously yielded the highest analytical result.

- 4) Suppliers that do not detect a contaminant at a sampling point in three consecutive annual samples may apply to the Agency for a SEP pursuant to Section 611.110 that allows it to discontinue monitoring for that contaminant at that point, as specified in subsection (g) of this Section above.

- 5) A GWS supplier that has detected one or more of the two-carbon contaminants listed in subsection (k)(5)(A) of this Section below shall monitor quarterly for vinyl chloride as described in subsection (k)(5)(B) of this Section below, subject to the limitation of subsection (k)(5)(C) of this Section below.

- A) Two-carbon contaminants (Phase I or II VOC):

- 1,1-Dichloroethane (Phase I)

- 1,1-Dichloroethylene (Phase I)

- cis-1,2-Dichloroethylene (Phase II)

- trans-1,2-Dichloroethylene (Phase II)

- Tetrachloroethylene (Phase II)

- 1,1,1-Trichloroethylene (Phase I)

- 1,1,1-Trichloroethylene (Phase I)

- B) The supplier shall sample quarterly for vinyl chloride at each sampling point at which it detected one or more of the two-carbon contaminants listed in subsection (k)(5)(A) of this Section above.

- C) The Agency shall grant a SEP pursuant to Section 611.110 that allows the supplier to reduce the monitoring frequency for vinyl chloride at any sampling point to once in each three-year compliance period if it determines that the supplier has not detected vinyl chloride in the first sample required by subsection (k)(5)(B) of this Section above.

- 1) Quarterly monitoring following MCL violations.

- 1) Suppliers that violate an MCL for one of the Phase I VOCs, including vinyl chloride, Phase II, or Phase V VOCs, as

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

determined by subsection (o) of this Section **below**, shall monitor quarterly for that contaminant, at the sampling point where the violation occurred, beginning the next quarter after the violation.

2) Annual monitoring.

A) The Agency shall grant a SEP pursuant to Section 611.110 that allows a supplier to reduce the monitoring frequency to annually if it determines that the sampling point is reliably and consistently below the MCL.

B) A request for a SEP must include the following minimal information: four quarterly samples.

C) In issuing a SEP, the Agency shall specify the level of the contaminant upon which the "reliably and consistently" determination was based. All SEPs that allow less frequent monitoring based on an Agency "reliably and consistently" determination shall include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (1)(1) of this Section **above** if it violates the MCL specified by Section 611.311.

D) The supplier shall monitor during the quarter(s) that previously yielded the highest analytical result.

m) Confirmation samples. The Agency may issue a SEP pursuant to Section 610.110 to require a supplier to use a confirmation sample for results that it finds dubious for whatever reason. The Agency must state its reasons for issuing the SEP if the SEP is Agency-initiated.

1) If a supplier detects any of the Phase I, Phase II, or Phase V VOCs in a sample, the supplier shall take a confirmation sample as soon as possible, but no later than 14 days after the supplier receives notice of the detection.

2) Averaging is as specified in subsection (o) of this Section **below**.

3) The Agency shall delete the original or confirmation sample if it determines that a sampling error occurred, in which case the confirmation sample will replace the original or confirmation sample.

n) This subsection corresponds with 40 CFR 141.24(f)(14), an optional USEPA provision relating to compositing of samples that USEPA does not require for state programs. This statement maintains structural consistency with USEPA rules.

o) Compliance with the MCLs for the Phase I, Phase II, and Phase V VOCs must be determined based on the analytical results obtained at each sampling point.

1) For suppliers that conduct monitoring at a frequency greater than annual, compliance is determined by a running annual average of all samples taken at each sampling point.

A) If the annual average of any sampling point is greater than the MCL, then the supplier is out of compliance.

B) If the initial sample or a subsequent sample would cause the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

annual average to exceed the MCL, then the supplier is out of compliance immediately.

C) Any samples below the detection limit shall be deemed as zero for purposes of determining the annual average.

2) If monitoring is conducted annually, or less frequently, the supplier is out of compliance if the level of a contaminant at any sampling point is greater than the MCL. If a confirmation sample is taken, the determination of compliance is based on the average of two samples.

3) When the portion of the distribution system that is out of compliance is separable from other parts of the distribution system and has no interconnections, the supplier may issue the public notice required by Subpart T of this Part only to persons served by that portion of the distribution system that is not in compliance.

p) This provision corresponds with 40 CFR 141.24(f)(16) (1994), which USEPA removed and reserved at 59 Fed. Reg. 62468 (Dec. 5, 1994). This statement maintains structural consistency with the federal regulations.

q) Analysis under this Section must only be conducted by laboratories that have received certification by USEPA or the Agency according to the following conditions:

1) To receive certification to conduct analyses for the Phase I VOCs, excluding vinyl chloride, Phase II VOCs, and Phase V VOCs, the laboratory must:

A) Analyze performance evaluation samples that include these substances provided by the Agency pursuant to 35 Ill. Adm. Code 183.125(c);

B) Achieve the quantitative acceptance limits under subsections (q)(1)(C) and (q)(1)(D) of this Section **below** for at least 80 percent of the Phase I VOCs, excluding vinyl chloride, Phase II VOCs, except vinyl chloride, or Phase V VOCs;

C) Achieve quantitative results on the analyses performed under subsection (q)(1)(A) of this Section **above** that are within ± 20 percent of the actual amount of the substances in the performance evaluation sample when the actual amount is greater than or equal to 0.010 mg/L;

D) Achieve quantitative results on the analyses performed under subsection (q)(1)(A) of this Section **above** that are within ± 40 percent of the actual amount of the substances in the performance evaluation sample when the actual amount is less than 0.010 mg/L; and

E) Achieve a method detection limit of 0.0005 mg/L, according to the procedures in 40 CFR 136, Appendix B, incorporated by reference in Section 611.102.

2) To receive certification to conduct analyses for vinyl chloride the laboratory must:

A) Analyze performance evaluation samples provided by the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Agency pursuant to 35 Ill. Adm. Code 183.125(c);
 B) Achieve quantitative results on the analyses performed under subsection (q)(2)(A) of this Section **above** that are within + 40 percent of the actual amount of vinyl chloride in the performance evaluation sample;

C) Achieve a method detection limit of 0.0005 mg/L, according to the procedures in 40 CFR 136, Appendix B, incorporated by reference in Section 611.102; and

D) Obtain certification pursuant to subsection (q)(1) of this Section **above** for Phase I VOCs, excluding vinyl chloride, Phase II VOCs, and Phase V VOCs.

f) Use of existing data.

1) The Agency shall allow the use of data collected after January 1, 1988 but prior to the effective date of this Section, pursuant to Agency sample request letters, if it determines that the data are generally consistent with the requirements of this Section;

2) The Agency shall grant a SEP pursuant to Section 611.110 that allows a supplier to monitor annually beginning in the initial compliance period if it determines that the supplier did not detect any Phase I, Phase II, or Phase V VOC using existing data allowed pursuant to subsection (r)(1) of this Section **above**.

s) The Agency shall, by SEP, increase the number of sampling points or the frequency of monitoring if it determines that it is necessary to detect variations within the PWS.

t) Each laboratory certified for the analysis of Phase I, Phase II, or Phase V VOCs pursuant to subsection (q)(1) or (q)(2) of this Section **above** shall:

1) Determine the method detection limit (MDL), as defined in 40 CFR 136, Appendix B, incorporated by reference in Section 611.102, at which it is capable of detecting the Phase I, Phase II, and Phase V VOCs; and,

2) Achieve an MDL for each Phase I, Phase II, and Phase V VOC that is less than or equal to 0.0005 mg/L.

u) Each supplier shall monitor, within each compliance period, at the time designated by the Agency by SEP pursuant to Section 611.110.

BOARD NOTE: Derived from 40 CFR 141.24(f) (1999 1994).

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

Section 611 Appendix I Quality Control Requirements for Testing All Samples Collected

Public Water Systems shall ensure that the quality control requirements for testing of samples collected and submitted under Section 611.512 are followed:
 a) Sample Collection/Preservation Systems shall follow the sample collection and preservation requirements for the specified method for each of the contaminants in Table 1, Unregulated Contaminant

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Monitoring Regulation (1999) list. These requirements specify sample containers, collection, dechlorination, preservation, storage, sample holding time, and extract storage and/or holding time that the laboratory must follow.

b) Method Detection Limit. Systems shall calculate the laboratory method detection limit (MDL) for each contaminant in Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, using the appropriate specified method according to procedures in 40 CFR Part 136, Appendix B, with the exception that the contaminant concentration used to fortify reagent water must be less than or equal to the minimum reporting level (MRL) for the contaminants as specified in Table 1, Unregulated Contaminant Monitoring Regulation (1999) List, Column 4.

The calculated MDL is equal to the standard deviation times the Student's T value for 99% confidence level with n-1 degrees of freedom. (The MDL must be less than or equal to one-half of the MRL.)

c) Calibration. Systems shall follow the initial calibration requirements as specified in the method utilized. Calibration must be verified initially with a low-level standard at a concentration at or below the MRL for each contaminant. Systems shall perform a continuing calibration verification following every 10th sample. The calibration verification must be performed by alternating low-level and mid-level calibration standards. The low-level standard is defined as a concentration at or below the MRL with an acceptance range of $\pm 40\%$. The mid-level standard is in the middle of the calibration range with an acceptance range of $\pm 20\%$.

d) Reagent Blank Analysis. Systems shall analyze one laboratory reagent (method) blank per sample set/batch that is treated exactly as a sample. The maximum allowable background concentration is one-half of the MRL for all contaminants. A field reagent blank is required only for EPA Method 524.2 (or equivalent listed methods, D5790.95, SM6210D, and SM6200B).

e) Quality Control Sample. Systems shall obtain a quality control sample from an external source to check laboratory performance at least once each quarter.

f) Matrix Spike and Duplicate. Systems shall prepare and analyze the sample matrix spike (SMS) for accuracy and matrix spike duplicate (MSD) samples for precision to determine method accuracy and precision for all contaminants in Table 1, Unregulated Contaminant Monitoring Regulation (1999) List. SMS/MSD samples must be prepared and analyzed at a frequency of 5% (or one SMS/MSD set per every 20 samples) or with each sample batch, whichever is more frequent. In addition, the SMS/MSD spike concentrations must be alternated between a low-level spike and mid-level spike approximately 50% of the time. (For example: a set of 40 samples will require preparation and analysis of two SMS/MSD sets. The first set must be spiked at either the low-level or mid level, and the second set must be spiked with the other standard, either the low-level or mid-level, whichever was not used for the initial SMS/MSD set). The low-level SMS/MSD spike concentration must

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

be within + 20% of the MRL for each contaminant. The mid-level SMS/MSD spike concentration must be within + 20% of the mid-level calibration standard for each contaminant, and should represent, where possible, an approximate average concentration observed in previous analyses of that analyte. The spiking concentrations must be reported in the same units of measure as the analytical results.

- g) Internal Standard Calibration. Systems shall, as appropriate to a method's requirements to be used, test and obtain an internal standard for the methods for each chemical contaminant in Table 1. Unregulated Contaminant Monitoring Regulation (1999) list, a pure contaminant of known concentration, for calibration and quantitation purposes. The methods specify the percent recovery or response that must be obtained for acceptance.

- h) Method Performance Test. Systems shall, as appropriate to a method's requirements, test for surrogate compounds, a pure contaminant unlikely to be found in any sample, to be used to monitor method performance. The methods specify the percent recovery that must be obtained for acceptance.

- i) Detection Confirmation. Systems shall confirm any chemical contaminant detected above the MRL by gas chromatographic/mass spectrometric (GC/MS) methods. If testing resulted in first analyzing the sample extracts via specified gas chromatographic methods, an initial confirmation by a second column dissimilar to the primary column may be performed. If the contaminant detection is confirmed by the secondary column, then the contaminant must be reconfirmed by GC/MS using three specified ion peaks for contaminant identification. One of the following confirming techniques must be used: perform single point calibration of the GC/MS system for confirmation purposes only as long as the calibration standard is at a concentration within + 50% of the concentration determined by the initial analysis; or perform a three point calibration with single point daily calibration verification of the GC/MS system regardless of whether that verification standard concentration is within + 50% of sample response. If GC/MS analysis confirms the initial contaminant detection, report results determined from the initial analysis.

- j) Reporting. Systems shall report the analytical results and other data with the required data listed in Section 611.511. Systems shall report this data electronically to the USEPA, unless the USEPA specifies otherwise, and must provide a copy to the Agency. Systems must coordinate with their laboratories for electronic reporting to the USEPA to ensure proper formatting and timely data submission.

(Source: Added at 24 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hospital Services

- 2) Code Citation: 89 Ill. Adm. Code 148

- 3) Section Numbers: 148.82
Proposed Action: Amendment

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ICS 5/12-13]

- 5) Complete Description of the Subjects and Issues Involved: The Department is proposing changes to the administrative rules on organ transplant services at 89 Ill. Adm. Code 148.82. These amendments allow for waivers by the Department of recertification criteria regarding the minimum number of transplant procedures performed annually, by certain hospitals. Under these proposed amendments, if a transplant center has previously met the requirements of certification or recertification of its program as specified in Section 148.82, but has recently performed fewer than the required number of transplantations, the Department may continue to recertify the center if a determination is made that such action would best serve the interests of Medicaid clients. These new provisions will allow the Department necessary flexibility in maintaining adequate organ transplant facilities and services for eligible clients. These changes are not expected to result in any budgetary impact.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
148.120	Amendment	March 31, 2000 (24 Ill. Reg. 5631)
148.310	Amendment	March 17, 2000 (24 Ill. Reg. 4053)
148.340	Amendment	March 17, 2000 (24 Ill. Reg. 4053)
148.350	Amendment	March 17, 2000 (24 Ill. Reg. 4053)
148.360	Repeal	March 17, 2000 (24 Ill. Reg. 4053)
148.370	Amendment	March 17, 2000 (24 Ill. Reg. 4053)
148.380	Repeal	March 17, 2000 (24 Ill. Reg. 4053)
148.390	Amendment	March 17, 2000 (24 Ill. Reg. 4053)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in Which Interested Persons May Comment on this

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217) 524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Hospitals that provide organ transplant services for Medicaid eligible clients
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on Which this Rulemaking Was Summarized: This rulemaking was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated by the Department when the most recent regulatory agendas were published.

The full text of the proposed amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER 1: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 148
HOSPITAL SERVICES

Section	
148.10	Hospital Services
148.20	Participation
148.25	Definitions and Applicability
148.30	General Requirements
148.40	Special Requirements
148.50	Covered Hospital Services
148.60	Services Not Covered as Hospital Services
148.70	Limitation On Hospital Services
148.80	Organ Transplant Services Covered Under Medicaid (Repealed)
148.82	Organ Transplant Services
148.90	Heart Transplants (Repealed)
148.100	Liver Transplants (Repealed)
148.110	Bone Marrow Transplants (Repealed)
148.120	Disproportionate Share Hospital (DSH) Adjustments
148.130	Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services
148.150	Public Law 103-66 Requirements
148.160	Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million
148.170	Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
148.175	Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
148.180	Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
148.190	Copayments
148.200	Alternate Reimbursement Systems
148.210	Filing Cost Reports
148.220	Admissions Occurring on or after September 1, 1991
148.230	Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
148.240	Determination of Alternate Payment Rates to Certain Exempt Hospitals
148.250	Calculation and Definitions of Inpatient Per Diem Rates
148.260	Determination of Alternate Cost Per Diem Rates for All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
148.280	Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
148.285	Excellence in Academic Medicine Payments

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

148-290 Adjustments and Reductions to Total Payments
 148-291 Critical Hospital Adjustment Payment (CHAP)
 148-296 Supplemental Critical Hospital Adjustment Payments (SCHAP)
 148-297 Pediatric Outpatient Adjustment Payments
 148-298 Pediatric Inpatient Adjustment Payments
 148-300 Payment
 148-310 Review Procedure
 148-320 Alternatives
 148-330 Exemptions
 148-340 Substance Alcoholism and Substance Abuse Treatment Services
 148-350 Definitions
 148-351 Types of Substance Alcoholism and Substance Abuse Treatment Services
 148-358 Volume Adjustment (Repealed)
 148-368 Payment for Substance Alcoholism and Substance Abuse Treatment Services
 148-370 Services
 148-380 Rate Appeals for Substance Alcoholism and Substance Abuse Treatment Services
 148-390 Hearings
 148-400 Special Hospital Reporting Requirements

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI, and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18233, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15724, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9521, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amended at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; amended at 24 Ill. Reg. _____, effective _____.

Section 148.82 Organ Transplant Services

- a) Introduction
The Department of Public Aid will cover organ transplants as identified under subsection (b) below which are provided by certified organ transplant centers which meet the requirements specified in subsections (c) through (h) of this Section.
- b) Covered Services
1) Bone marrow, heart, heart/lung, lung (single or double), liver, pancreas or kidney/pancreas transplantation.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 2) Intestinal (small bowel or liver/small bowel) transplantation for children only (see subsection (d)(1)(H) of this Section).
- 3) Other types of transplant procedures may be covered when a hospital has been certified by the Department as a transplant center eligible to perform such transplants. Centers must complete the certification process established in subsection (c) of this Section **below** and provide the necessary documentation of the number of transplant procedures performed and the survival rates.
- 4) Medically necessary work-up.
- c) Certification process
 - 1) In order to be certified to receive reimbursement for transplants performed on Medicaid patients, the hospital must:
 - A) Request an application from the Bureau of Comprehensive Health Services;
 - B) Submit a completed application to the Department for the type of transplant for which the center is seeking certification;
 - C) Meet certification criteria established in subsection (d) of this Section **below**, based upon review and recommendation of each application by the State Medical Advisory Committee (SMAC); and
 - D) Submit a detailed status report on each patient for the type of transplant for which the hospital is seeking certification. Such reports must include the patient's diagnosis, date of transplant, the length of hospitalization, charges, survival rates, patient-specific transplant outcome, and complications (including cause of death, if applicable) for all transplants performed in the time frames required for the type of transplant indicated in subsections (d)(1)(C), (D), (E), (F), (G), or (H) of this Section. To protect the privacy of patients included in this report, names of non-Medicaid patients are not required.
 - 2) The Department shall notify the hospital of approval or denial of the hospital as a transplant center for Medicaid eligible patients.
 - 3) In the event that no hospital formally certified by the Department is able to provide a covered service set forth in subsection (b) of this Section **above** within the time frame necessary to preserve the recipient's health, the Department shall review a request for prior approval of the service from a non-certified facility, and if the facility satisfies the criteria for certification, approve the request on an individual case basis.
 - 4) A joint application combining the statistical data for the adult and pediatric programs from two affiliated hospitals that share the same surgeons may be submitted for review by the State

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- Medical Advisory Committee. The hospitals must meet the criteria under subsections (d)(1)(A), (B), (J), (K), (L), (M), (N), (O), and (P), the applicable criteria under subsections (d)(1)(C), (D) or (I) and (d)(1)(O), subsections (d)(2), (3) and (4), and subsection (e) of this Section for certification and recertification.
- d) Certification Criteria
- 1) Hospitals seeking certification as a transplant center shall submit documentation to verify that:
 - A) The hospital is capable of providing all necessary medical care required by the transplant patient;
 - B) The hospital is affiliated with an academic health center;
 - C) The hospital has had the transplant program for heart and liver transplants in operation for at least three years with 12 transplant procedures per year for the past two years and 12 cases in the three year period preceding the most current two year period for adult heart and liver transplants;
 - D) The hospital has had the transplant program for heart/lung and lung transplants in operation for at least three years with ten transplant procedures per year for the past two years and ten cases in the three year period preceding the most current two year period for adult heart/lung and lung transplants;
 - E) A hospital specializing in pediatric heart/lung and lung transplants has had a program in operation for at least three years and has performed a minimum of six transplant procedures per year for the past two years, and six procedures in the three year period preceding the most current two year period;
 - F) The hospital has had the transplant program for adult and pediatric bone marrow transplants in operation for at least two years with 12 transplant procedures per year for the past two years;
 - G) A hospital specializing in pediatric heart or liver transplants, or both, has had a program in operation for at least three years and has performed a minimum of six transplant procedures per year for the past two years, and six procedures in the three year period preceding the most current two year period;
 - H) A hospital specializing in pediatric intestinal (small bowel or liver/small bowel) transplants has had a program in operation for at least three years and has performed a minimum of six transplant procedures per year for the past two years, and six procedures in the three year period preceding the most current two year period;
 - I) A hospital specializing in kidney/pancreas and/or pancreas transplants has had the transplant program in operation for at least three years with 25 kidney transplant procedures

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

per year for the past two years and 25 cases in the three year period preceding the most current two year period, and five pancreas transplant procedures per year for the past two years and five in the three year period preceding the most current two year period, or 12 kidney/pancreas transplant procedures per year for the past two years and 12 in the three year period preceding the most current two year period;

- J) The hospital has experts, on staff, in the fields of cardiology, pulmonology, anesthesiology, immunology, infectious disease, nursing, social services, organ procurement, associated surgery and internal medicine to complement the transplant team. In addition, in order to qualify as a transplant center for pediatric patients, the hospital must also have experts in the field of pediatrics;
- K) The hospital has an active cardiovascular medical and surgical program as evidenced by the number of cardiac catheterizations, coronary arteriograms and open heart procedures per year for heart and heart/lung transplant candidates;
- L) The hospital has pathology resources that are available for studying and reporting the pathological responses for transplantation as supported by appropriate documentation;
- M) The hospital complies with applicable State and Federal laws and regulations;
- N) The hospital participates in a recognized national donor procurement program for organs or bone marrow provided by unrelated donors, abides by its rules, and provides the Department with the name of the national organization of which it is a member;
- O) The hospital has an interdisciplinary body to determine the suitability of candidates for transplantation as supported by appropriate documentation;
- P) The hospital has blood bank support necessary to meet the demands of a certified transplant center as supported by appropriate documentation; and
- Q) The hospital meets the applicable transplant survival rates as supported by the Kaplan-Meier method or other method accepted by the Department:
 - i) A one-year survival rate of 50 percent for bone marrow transplant patients;
 - ii) A one-year survival rate of 75 percent and a two-year survival rate of 60 percent for heart transplant patients;
 - iii) A one-year survival rate of 75 percent and a two-year survival rate of 60 percent for liver transplant patients;
 - iv) A one-year survival rate of 90 percent for kidney

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

transplant and a one-year survival rate of 80 percent for pancreas transplant; or a one-year survival rate of 80 percent for kidney/pancreas transplant patients;

- v) A one-year survival rate of 65 percent and a two-year survival rate of 60 percent for heart/lung and lung (single or double) transplant patients;
- vi) A one-year survival rate of 60 percent and a two-year survival rate of 55 percent for intestinal transplants (small bowel or liver/small bowel).

- 2) The commitment of the hospital to support the transplant center must be at all levels as evidenced by such factors as financial resources, allocation of space and the support of the professional staff for the transplant program and its patients. The hospital must submit appropriate documentation to demonstrate that:
 - A) Component teams are integrated into a comprehensive transplant team with clearly defined leadership and responsibility;
 - B) The hospital safeguards the rights and privacy of patients;
 - C) The hospital has adequate patient management plans and protocols to meet the patient and hospital's needs.
- 3) The hospital must identify, in writing, the director of the transplant program and the members of the team as well as their qualifications. Physician team members must be identified as board certified, in preparation for board certification, or pending board certification, and the transplant coordinator's name must be submitted.
- 4) The hospital must provide patient selection criteria including indications and contraindications for the type of transplant procedure for which the facility is seeking certification.
 - e) Recertification Process/Criteria
 - 1) The Department will conduct an annual review for certification of transplant centers. A certified center must submit documentation established under subsections (c), (d), (f) and (h) of this Section for review by the Department's State Medical Advisory Committee for recertification as a transplant center.
 - 2) Survival rates of previous transplant patients must be documented prior to certification. The center must maintain patient volume in the year of certification based on previous transplant statistics.
 - 3) The Department shall notify the hospital of approval or denial of the recertification of the hospital as a transplant center.
 - 4) If the hospital has previously met the requirements for certification or recertification of its program under subsections (d)(1)(3), (8), (11), (M), (N), (O) and (P) and (d)(2), (3) and (4) of this Section and the program has experienced no changes under the above subsections, as evidenced in written documentation on the hospital's application, the hospital will

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

not be required to resubmit the same data.

5) If a center has previously met the requirements for certification or recertification of its program under subsections (d)(1)(J), (K), (L), (M), (N), (O), (P) and (Q)(i) through (Q)(vi), but has performed fewer than the required number of transplants pursuant to subsection (d)(1)(C), (D), (E), (F), (G), (H), or (I), as appropriate, the Department may recertify the center if it determines that the best interests of the Medicaid client eligible for transplant services would be served by allowing continued certification of the center. Criteria the Department may consider in making such a determination include, but are not limited to:

- A) Not recertifying a center would limit the accessibility of available organs.
- B) Other centers are not accepting new patients or have extensive waiting lists.
- C) The distance to other eligible centers would jeopardize the client's opportunity to receive a viable organ/tissue transplant.

f) Notification of Transplant

1) The hospital must notify the Department prior to performance of the transplant procedure. The notification letter must be from a physician on the transplant team.

2) The notification must include the admission diagnosis and pre-transplant diagnosis.

3) The Department shall notify the hospital regarding receipt of the notification and provide the appropriate outcome summary forms to the hospital.

g) Reimbursement

1) Hospital services rendered for transplant procedures under this Section are exempt from the provisions of Sections 148.250 through 148.330 and 89 Ill. Adm. Code 149 of the Department's administrative rules governing hospital reimbursement. Hospital reimbursement for transplants covered within this Section is an all-inclusive rate for the admission, regardless of the number of days of care associated with that admission, which is limited to a maximum of 60 percent of the hospital's usual and customary charges to the general public for the same procedure for a maximum number of days listed below for specific types of transplants:

- A) 30 consecutive days of post-operative inpatient care for heart, heart/lung, lung (single or double), pancreas, or kidney/pancreas transplant; or
- B) 40 consecutive days of post-operative inpatient care for liver transplant; or
- C) 50 consecutive days of post-operative inpatient care for bone marrow transplant; or
- D) 70 consecutive days of post-operative inpatient care for

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

intestinal (small bowel or liver/small bowel) transplants; or

E) For those transplants covered under subsection (b)(2) of this Section, the number of consecutive days of inpatient care specified within the transplant certification process.

2) Reimbursement will be approved only when the Department's letter acknowledging the notification of the transplant procedure is attached to the hospital's claim. Reimbursement will not be made until the discharge summary has been submitted to the Department.

3) Applicable disproportionate share payment adjustments shall be made in accordance with Section 148.120(g). Applicable outlier adjustments shall be made in accordance with Section 148.130. Applicable Medicaid High Volume adjustments shall be made in accordance with Section 148.290(d).

4) The rate will not include transportation and physician fees when reimbursed pursuant to 89 Ill. Adm. Code 140.410 through 140.414 and 140.490 through 140.492, respectively.

5) Hospital reimbursement for bone marrow searches is limited to 60 percent of charges up to a maximum of \$25,000. Payment for bone marrow searches will only be made to the certified center requesting reimbursement for the bone marrow transplant.

6) Reimbursement for stem cell acquisition charges which includes the mobilization, chemotherapy, cytokines and apheresis processes must be billed under the appropriate revenue code on the claim submitted for the transplant procedure.

h) Reporting Requirements of Certified Transplant Center
The following documentation must be submitted within the time limits set forth in this subsection.

1) Outcome Summary

A) The discharge summary for each Medicaid patient must be received by the Department within 30 days after the patient's discharge.

B) For those Medicaid patients who expire, a summary must be received by the Department within 30 days after the patient's death.

2) Notification of Changes

The center must notify the Department within 30 days after any changes in its program, including, but not limited to, certification criteria, patient selection criteria, members of the transplant team and the coordinator.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID
NOTICE OF PROPOSED AMENDMENTS

of the day before the date of voluntary withdrawal simply on the basis of such withdrawal.

Currently, the Department is responsible for continuing payment for Medicaid eligible residents who were residing in the NF as of the effective date of voluntary withdrawal when such a facility continues to provide services. Private pay residents becoming Medicaid eligible after the withdrawal date are transferred to a facility enrolled in the Medical Assistance Program and Department coverage is begun. The new requirements direct the Department to provide payment to a facility after voluntary withdrawal for private pay residents residing in the facility on the day prior to the withdrawal, who became Medicaid eligible after the withdrawal date. Withdrawal facilities will be required to maintain provider agreements for all Medicaid residents and also for private pay residents who resided in the facility as of the day before withdrawal and who later become Medicaid eligible. P.L. 106-4 does not apply to ICFs/MR. These changes are not expected to result in any appreciable budgetary impact because Department coverage will occur for eligible NF residents regardless of place (facility) of residence.

Sections 140.502 and 140.503 Several nonsubstantive changes are being proposed to the rules on cessation of payment to update terminology and to specify that the Department has sole discretion to continue LTC facility payment when there are issues of health, safety and welfare of the resident that justify continued payment.

Section 140.505 This proposed new rule reflects federal regulations at 42 CFR 442.118 requiring that ICFs/MR have an opportunity for an informal hearing prior to denial of payment by the Department for new admissions. Denial of payment for new admissions can be imposed if a facility has failed to correct cited deficiencies and comply with conditions of participation for ICFs/MR within 60 days after the initial survey by the Department of Public Health. However, after the 60 day period, the Department must issue a written notice under these proposed changes stating the intent to impose the payment sanction and notifying the facility of its entitlement to an informal hearing prior to imposition of the sanction. When a determination is made on the basis of the informal hearing to deny payments for new admissions, the Department shall provide a 15 day notice of the intent to impose the payment sanction. These changes are not expected to result in any budgetary impact.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

DEPARTMENT OF PUBLIC AID
NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Medical Payment

2) Code Citation: 89 Ill. Adm. Code 140

3) Section Numbers: Proposed Action:
140.11 Amendment
140.12 Amendment
140.21 Amendment
140.502 Amendment
140.503 Amendment
New Section 140.505
Amendment 140.506
Amendment 140.700

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: The Department is proposing a number of changes to the administrative rules in Part 140, Medical Payment. The proposed amendments pertain to long term care (LTC) issues concerning changes of ownership, voluntary withdrawal of a facility from the Medical Assistance Program and an informal hearing process for ICFs/MR (Intermediate Care Facilities for the Mentally Retarded).

Sections 140.11 and 140.12 These proposed revisions relate to changes of ownership and outstanding liabilities. Currently, a LTC facility must notify the Department of a change in ownership and the Department is obligated to respond to the purchaser within a certain time frame on outstanding liabilities due to the Department. However, in actual practice for the majority of ownership changes, the Department does not receive advance notification of the ownership change and the outstanding liability information is not sent. The new provisions allow a current or previous owner to request from the Department a list of all outstanding liabilities due from the facility and of any pending Department actions against a facility that may result in further liability. The Department will also automatically send a notice of outstanding liabilities when an ownership exemption (change) is granted by the Illinois Health Facilities Planning Board. With changes of ownership or lease to a new operator, the provider agreement shall be automatically reassigned and the new owner or lessee shall remain responsible for assuming outstanding liabilities. These proposed changes are not expected to result in any budgetary changes.

Sections 140.21, 140.506 and 140.700 These amendments reflect Public Law 106-4 on voluntary withdrawal of a nursing facility (NF) from the Medical Assistance Program and resident discharge. P.L. 106-4 provides that a NF may not transfer or discharge any resident who resided in the facility as

DEPARTMENT OF PUBLIC AID
NOTICE OF PROPOSED AMENDMENTS

13) Regulatory Agenda on Which this Rulemaking Was Summarized: January 2000
The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID
NOTICE OF PROPOSED AMENDMENTS

9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.33	Amendment	March 17, 2000 (24 Ill. Reg. 4071)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Amendments: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
217-524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, -80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Medicaid funded long term care facilities including nursing facilities and ICFS/MR

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section	
140.1	Incorporation By Reference
140.2	Medical Assistance Programs
140.3	Covered Services Under Medical Assistance Programs
140.4	Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5	Covered Medical Services Not Covered
140.6	Medical Assistance Provided to Individuals Under the Age of Eighteen
140.7	Who Do Not Qualify for AFDC and Children Under Age Eight
140.8	Medical Assistance For Qualified Severely Impaired Individuals
140.9	Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10	Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section	
140.11	Enrollment Conditions for Medical Providers
140.12	Participation Requirements for Medical Providers
140.13	Definitions
140.14	Denial of Application to Participate in the Medical Assistance Program
140.15	Recovery of Money
140.16	Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17	Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18	Effect of Termination on Individuals Associated with Vendor
140.19	Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20	Submission of Claims
140.21	Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
140.22	Magnetic Tape Billings
140.23	Payment of Claims
140.24	Payment Procedures
140.25	Overpayment or Underpayment of Claims
140.26	Payment to Factors Prohibited

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

140.27	Assignment of Vendor Payments
140.28	Record Requirements for Medical Providers
140.30	Audits
140.31	Emergency Services Audits
140.32	Prohibition on Participation, and Special Permission for Participation
140.33	Publication of List of Terminated, Suspended or Barred Entities
140.35	False Reporting and Other Fraudulent Activities
140.40	Prior Approval for Medical Services or Items
140.41	Prior Approval in Cases of Emergency
140.42	Limitation on Prior Approval
140.43	Post Approval for items or Services When Prior Approval Cannot Be Obtained
140.55	Recipient Eligibility Verification (REV) System
140.71	Reimbursement for Medical Services Through the Use of a C-13 Invoice
140.72	Voucher Advance Payment and Expedited Payments
140.73	Drug Manual (Recodified)
	Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

Section	
140.80	Hospital Provider Fund
140.82	Developmentally Disabled Care Provider Fund
140.84	Long Term Care Provider Fund
140.94	Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95	Hospital Services Trust Fund
140.96	General Requirements (Recodified)
140.97	Special Requirements (Recodified)
140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation On Hospital Services (Recodified)
140.101	Transplants (Recodified)
140.102	Heart Transplants (Recodified)
140.103	Liver Transplants (Recodified)
140.104	Bone Marrow Transplants (Recodified)
140.110	Disproportionate Share Hospital Adjustments (Recodified)
140.116	Payment for Inpatient Services for GA (Recodified)
140.117	Hospital Outpatient and Clinic Services (Recodified)
140.200	Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201	Payment for Hospital Services After June 30, 1982 (Repealed)
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203	Limits on Length of Stay by Diagnosis (Recodified)
140.203	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

140.361 Non-Participating Hospitals (Recodified)
 140.362 Pre July 1, 1989 Services (Recodified)
 140.363 Post June 30, 1989 Services (Recodified)
 140.364 Prepayment Review (Recodified)
 140.365 Base Year Costs (Recodified)
 140.366 Restructuring Adjustment (Recodified)
 140.367 Inflation Adjustment (Recodified)
 140.368 Volume Adjustment (Repealed)
 140.369 Groupings (Recodified)
 140.370 Rate Calculation (Recodified)
 140.371 Payment (Recodified)
 140.372 Review Procedure (Recodified)
 140.373 Utilization (Repealed)
 140.374 Alternatives (Recodified)
 140.375 Exemptions (Recodified)
 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
 140.390 Substance Alcoholism and Substance Abuse Services (Recodified)
 140.391 Definitions (Recodified)
 140.392 Types of Substance Alcoholism and Substance Abuse Services (Recodified)
 140.394 Payment for Substance Alcoholism and Substance Abuse Services (Recodified)
 140.396 Rate Appeals for Substance Alcoholism and Substance Abuse Services (Recodified)
 140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section
 140.400 Payment to Practitioners, Nurses and Laboratories
 140.410 Physicians' Services
 140.411 Covered Services By Physicians
 140.412 Services Not Covered By Physicians
 140.413 Limitation on Physician Services
 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
 140.416 Optometric Services and Materials
 140.417 Limitations on Optometric Services
 140.418 Department of Corrections Laboratory
 140.421 Dental Services
 140.421 Limitations on Dental Services
 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists
 140.425 Podiatry Services
 140.426 Limitations on Podiatry Services
 140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
 140.428 Chiropractic Services

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

140.429 Limitations on Chiropractic Services (Repealed)
 140.430 Independent Clinical Laboratory Services
 140.431 Services Not Covered by Independent Clinical Laboratories
 140.431 Limitations on Independent Clinical Laboratory Services
 140.432 Payment for Clinical Laboratory Services
 140.433 Record Requirements for Independent Clinical Laboratories
 140.434 Nurse Services
 140.435 Limitations on Nurse Services
 140.436 Imaging Centers
 140.438 Pharmacy Services
 140.440 Pharmacy Services Not Covered
 140.441 Prior Approval of Prescriptions
 140.442 Filling of Prescriptions
 140.443 Compounded Prescriptions
 140.444 Legend Prescription Items (Not Compounded)
 140.445 Over-the-Counter Items
 140.446 Reimbursement
 140.447 Returned Pharmacy Items
 140.448 Payment of Pharmacy Items
 140.450 Record Requirements for Pharmacies
 140.451 Prospective Drug Review and Patient Counseling
 140.452 Mental Health Clinic Services
 140.453 Definitions
 140.454 Types of Mental Health Clinic Services
 140.455 Payment for Mental Health Clinic Services
 140.456 Hearings
 140.457 Therapy Services
 140.458 Prior Approval for Therapy Services
 140.459 Payment for Therapy Services
 140.460 Clinic Services
 140.461 Clinic Participation, Data and Certification Requirements
 140.462 Covered Services in Clinics
 140.463 Clinic Service Payment
 140.464 Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)
 140.465 Speech and Hearing Clinics (Repealed)
 140.466 Rural Health Clinics
 140.467 Independent Clinics
 140.467 Hospice
 140.469 Home Health Services
 140.470 Home Health Covered Services
 140.471 Types of Home Health Services
 140.472 Prior Approval for Home Health Services
 140.473 Payment for Home Health Services
 140.474 Medical Equipment, Supplies and Prosthetic Devices
 140.475 Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made
 140.476 Limitations on Equipment, Supplies and Prosthetic Devices
 140.477 Prior Approval for Medical Equipment, Supplies and Prosthetic Devices
 140.478

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

140.479 Limitations, Medical Supplies
 140.480 Equipment Rental Limitations
 140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids
 140.482 Family Planning Services
 140.483 Limitations on Family Planning Services
 140.484 Payment for Family Planning Services
 140.485 Healthy Kids Program
 140.486 Limitations on Medicaid Services (Repealed)
 140.487 Healthy Kids Program Timeliness Standards
 140.488 Periodicity Schedule, Immunizations and Diagnostic Laboratory Procedures
 140.490 Medical Transportation
 140.491 Limitations on Medical Transportation
 140.492 Payment for Medical Transportation
 140.493 Payment for Helicopter Transportation
 140.495 Psychological Services
 140.496 Payment for Psychological Services
 140.497 Hearing Aids

SUBPART E: GROUP CARE

Section
 140.500 Long Term Care Services
 140.502 Cessation of Payment at Federal Direction
 140.503 Cessation of Payment for Improper Level of Care
 140.504 Cessation of Payment Because of Termination of Facility
 140.505 Informal Hearing Process for Denial of Payment for New ICF/MR Admissions ~~Continuation-of-Payment--Because-of--threat--to--life (Repealed)~~
 140.506 Provider Voluntary Withdrawal
 140.507 Continuation of Provider Agreement
 140.510 Determination of Need for Group Care
 140.511 Long Term Care Services Covered by Department Payment Utilization Control
 140.512 Utilization Review Plan (Repealed)
 140.514 Certifications and Recertifications of Care
 140.515 Management of Recipient Funds--Personal Allowance Funds
 140.516 Recipient Management of Funds
 140.517 Correspondent Management of Funds
 140.518 Facility Management of Funds
 140.519 Use or Accumulation of Funds
 140.520 Management of Recipient Funds--Local Office Responsibility
 140.521 Room and Board Accounts
 140.522 Reconciliation of Recipient Funds
 140.523 Bed Reserves
 140.524 Cessation of Payment Due to Loss of License
 140.525 Quality Incentive Program (QUIP) Payment Levels

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

140.526 Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)
 140.527 Quality Incentive Survey (Repealed)
 140.528 Payment of Quality Incentive (Repealed)
 140.529 Reviews (Repealed)
 140.530 Basis of Payment for Long Term Care Services
 140.531 General Service Costs
 140.532 Health Care Costs
 140.533 General Administration Costs
 140.534 Ownership Costs
 140.535 Costs for Interest, Taxes and Rent
 140.536 Organization and Pre-Operating Costs
 140.537 Payments to Related Organizations
 140.538 Special Costs
 140.539 Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation
 140.540 Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
 140.541 Salaries Paid to Owners or Related Parties
 140.542 Cost Reports-Filing Requirements
 140.543 Time Standards for Filing Cost Reports
 140.544 Access to Cost Reports (Repealed)
 140.545 Penalty for Failure to File Cost Reports
 140.550 Update of Operating Costs
 140.551 General Service Costs
 140.552 Nursing and Program Costs
 140.553 General Administrative Costs
 140.554 Component Inflation Index
 140.555 Minimum Wage
 140.556 Components of the Base Rate Determination
 140.560 Support Costs Components
 140.561 Nursing Costs
 140.562 Capital Costs
 140.563 Koshier Kitchen Reimbursement
 140.566 Out-of-State Placement
 140.567 Level II Incentive Payments (Repealed)
 140.568 Duration of Incentive Payments (Repealed)
 140.569 Clients with Exceptional Care Needs
 140.570 Capital Rate Component Determination
 140.571 Capital Rate Calculation
 140.572 Total Capital Rate
 140.573 Other Capital Provisions
 140.574 Capital Rates for Rented Facilities
 140.575 Newly Constructed Facilities (Repealed)
 140.576 Renovations (Repealed)
 140.577 Capital Costs for Rented Facilities (Renumbered)
 140.578 Property Taxes

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

140.579 Specialized Living Centers
 140.580 Mandated Capital Improvements (Repealed)
 140.581 Qualifying as Mandated Capital Improvement (Repealed)
 140.582 Cost Adjustments
 140.583 Campus Facilities
 140.584 Illinois Municipal Retirement Fund (IMRF)
 140.590 Audit and Record Requirements
 140.642 Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
 140.643 In-Home Care Program
 140.645 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
 140.646 Reimbursement for Developmental Training (DT) Services for Individuals with Developmental Disabilities Who Reside in Long Term Care (ICF AND SNF) and Residential (ICF/MR) Facilities
 140.647 Description of Developmental Training (DT) Services
 140.648 Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
 140.649 Effective Dates of Reimbursement for Developmental Training (DT) Programs
 140.650 Certification of Developmental Training (DT) Programs
 140.651 Decertification of Day Programs
 140.652 Terms of Assurances and Contracts
 140.660 Effective Date Of Payment Rate
 140.700 Discharge of Long Term Care Residents
 140.830 Appeals of Rate Determinations
 140.835 Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: MEDICAID PARTNERSHIP PROGRAM

Section
 140.850 General Description (Repealed)
 140.855 Definition of Terms (Repealed)
 140.860 Covered Services (Repealed)
 140.865 Sponsor Qualifications (Repealed)
 140.870 Sponsor Responsibilities (Repealed)
 140.875 Department Responsibilities (Repealed)
 140.880 Provider Qualifications (Repealed)
 140.885 Provider Responsibilities (Repealed)
 140.890 Payment Methodology (Repealed)
 140.895 Contract Monitoring (Repealed)
 140.896 Reimbursement for Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Repealed)
 140.900 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Repealed)
 140.901 Functional Areas of Needs (Repealed)
 140.902 Service Needs (Repealed)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

140.903 Definitions (Recodified)
 140.904 Times and Staff Levels (Repealed)
 140.905 Statewide Rates (Repealed)
 140.906 Reconsiderations (Recodified)
 140.907 Midnight Census Report (Recodified)
 140.908 Times and Staff Levels (Recodified)
 140.909 Statewide Rates (Recodified)
 140.910 Referrals (Recodified)
 140.911 Basic Rehabilitation Aide Training Program (Recodified)
 140.912 Interim Nursing Rates (Recodified)

Section
 140.920 General Description
 140.922 Covered Services
 140.924 Maternal and Child Health Provider Participation Requirements
 140.926 Client Eligibility (Repealed)
 140.928 Client Enrollment and Program Components (Repealed)
 140.930 Reimbursement
 140.932 Payment Authorization for Referrals (Repealed)

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section
 140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
 140.942 Definition of Terms (Recodified)
 140.944 Notification of Negotiations (Recodified)
 140.946 Hospital Participation in ICARE Program Negotiations (Recodified)
 140.948 Negotiation Procedures (Recodified)
 140.950 Factors Considered in Awarding ICARE Contracts (Recodified)
 140.952 Closing an ICARE Area (Recodified)
 140.954 Administrative Review (Recodified)
 140.956 Payments to Contracting Hospitals (Recodified)
 140.958 Amending and Clinical Privileges (Recodified)
 140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
 140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
 140.964 Contract Monitoring (Recodified)
 140.966 Transfer of Recipients (Recodified)
 140.968 Validity of Contracts (Recodified)
 140.970 Termination of ICARE Contracts (Recodified)
 140.972 Hospital Services Procurement Advisory Board (Recodified)

TABLE A
 Medichex Recommended Screening Procedures (Repealed)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Geographic Areas

TABLE B	Capital Cost Areas
TABLE C	Schedule of Dental Procedures
TABLE D	Time Limits for Processing of Prior Approval Requests
TABLE E	Poliatry Service Schedule
TABLE F	Travel Distance Standards
TABLE G	Areas of Major Life Activity
TABLE H	Staff Time and Allocation for Training Programs (Recodified)
TABLE I	HSA Grouping (Appealed)
TABLE J	Services Qualifying for 10% Add-On (Repealed)
TABLE K	Services Qualifying for 10% Add-On to Surgical Incentive Add-On
TABLE L	(Repealed)
TABLE M	Enhanced Rates for Maternal and Child Health Provider Services

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; emergency amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17398, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 99 Ill. Reg. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; emergency amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; emergency amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 27, 1984; emergency amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 22218, effective November 20, 1984; emergency amendment

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11337, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 8912, effective May 13, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986; for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 99 Ill. Reg. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10930, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 1960, effective January 1, 1988; for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.912 and 140.912 Table I recodified

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

to 89 Ill. Adm. Code 147-5 thru 147-205 and 147-Table A and 147-Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 reclassified to 89 Ill. Adm. Code 149.5 thru 149.125 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16221, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 3, 1988; amended at 12 Ill. Reg. 17079, effective October 24, 1988; amended at 12 Ill. Reg. 18196, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 13, 1988; amended at 13 Ill. Reg. 111, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 reclassified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 reclassified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 reclassified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 28, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6921, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 8, 1991; amended at 15 Ill. Reg. 8591, effective May 22, 1991; amended at 15 Ill. Reg. 9011, effective June 2, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11555, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17333, effective November 18, 1991; amended at 15 Ill. Reg. 17333, effective November 22, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 173, effective November 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 5408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19316, effective December 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 2250, effective February 15, 1993; amended at 17 Ill. Reg. 19879, effective December 1, 1992; amended at 17 Ill. Reg. 2985, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective January 14, 1993; amended at 17 Ill. Reg. 3421, effective January 17, 1993; amended at 17 Ill. Reg. 6339, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 11201, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993; for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18623, effective October 1, 1993; for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18624, effective October 1, 1993; amended at 17 Ill. Reg. 22099, effective November 24, 1993; emergency amendment at 17 Ill. Reg. 22593, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 35692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9121, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10357, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective September 30, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective February 29, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9074, effective August 2, 1999; amended at 23 Ill. Reg. 9267, effective October 1, 1999; amended at 23 Ill. Reg. 13049, effective November 1, 1999; amended at 23 Ill. Reg. 14587, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. _____, effective _____.

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section 140.11 Enrollment Conditions for Medical Providers

a) In order to enroll for participation, providers shall:

- 1) Hold a valid, appropriate license where State law requires licensure of medical practitioners, agencies, institutions and other medical vendors;
- 2) Be certified for participation in the Title XVIII Medicare program where federal Federal or State rules and regulations require such certification for Title XIX participation;
- 3) Be certified for Title XIX when Federal Federal or State rules and regulations so require;
- 4) Provide enrollment information to the Department in the prescribed format, and notify the Department, in writing, immediately whenever there is a change in any such information which the provider has previously submitted;
- 5) Provide disclosure, as requested by the Department, of all financial, beneficial, ownership, equity, surety, or other interests in any and all firms, corporations, partnerships, associations, business, enterprises, joint ventures, agencies, institutions or other legal entities providing any form of health care services to public aid recipients; and with the Department.
- 6) Have a written provider agreement on file with the Department. Appropriate to a corporate entity, a hospital, pharmacy, proprietary or other entity participating in the Medical Assistance Program applies only to the entity's existing ownership, corporate structure and location; therefore, participation approval is not transferable.
- 7) For long term care providers, when there is a change of ownership of a facility or a facility is leased to a new operator, written notification shall be made to the Department at least 30 days in advance of the change. The Department shall notify the purchaser of its obligation under Section 146-12(f) to assume liability for repayment to the Department for overpayments made to the previous owner or operator. Such notification shall inform the purchaser of all outstanding known liabilities due to the Department by the facility and of any known pending Department actions against the facility that may result in further liability. The provider agreement shall be automatically assigned to the new owner or lessee. Such assigned

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

agreement shall be subject to all conditions under which it was originally issued, including, but not limited to, any existing plans of continuation of care and all requirements of participation as set forth in Section 140.12 or additional requirements imposed by the Department.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 140.12 Participation Requirements for Medical Providers

The provider shall agree to:

- a) Verify eligibility of recipients prior to providing each service;
- b) Allow recipients the choice of accepting or rejecting medical or surgical care or treatment;
- c) Provide supplies and services in full compliance with all applicable provisions of State and federal laws and regulations pertaining to nondiscrimination and equal employment opportunity including but not limited to:

- 1) Full compliance with Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin;
- 2) Full compliance with Section 504 of the Rehabilitation Act of 1973 and 45 CFR 84, which prohibit discrimination on the basis of handicap; and
- 3) Without discrimination on the basis of religious belief, laws and the requirements of applicable Federal, ~~Federal~~ and State laws and not engage in practices prohibited by such laws;
- d) Medical Assistance information regarding recipients requested by it, any furnish to the Department, in the form and manner requested by it, any information regarding payment for providing goods or services, or in connection with the rendering of goods or services or supplies to recipients by the provider, his agent, employer or employee;
- e) Make charges for the provision of services and supplies to recipients in amounts not to exceed the provider's usual and customary charges and in the same quality and mode of delivery as are provided to the general public;
- f) Accept as payment in full the amounts established by the Department.

- 1) If a provider accepts an individual eligible for medical assistance from the Department as a Medicaid recipient, such provider shall not bill, demand or otherwise seek reimbursement from that individual or from a financially responsible relative or representative of the individual for any service for which reimbursement would have been available from the Department if the provider had timely and properly billed the Department. For purposes of this subsection, "accepts" shall be deemed to

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

include:

- A) an affirmative representation to an individual that payment for services will be sought from the Department;
- B) an individual presents the provider with his or her medical card and the provider does not indicate that other payment arrangements will be necessary; or
- C) billing the Department for the covered medical service provided an eligible individual.

- 2) If an eligible individual is entitled to medical assistance with respect to a service for which a third party is liable for payment, the provider furnishing the service may not seek to collect from the individual payment for that service if the total liability of the third party for that service is at least equal to the amount payable for that service by the Department.
- 3) Accept assignment of Medicare benefits for public aid recipients eligible for Medicare, when payment for services to such persons is sought from the Department;
- 4) Complete an MCH (Maternal and Child Health) Primary Care Provider Agreement in order to participate in the Maternal and Child Health Program (see Section 140.924(a)(1)(D)); and
- 5) In the case of long term care providers, assume liability for repayment to the Department of any overpayment made to a facility regardless of whether the overpayment was incurred by a current owner or operator or by a previous owner or operator. Liability of current and previous providers to the Department shall be joint and several. Recoveries by the Department under this Section may be made pursuant to Sections 140.15 and 140.25. A current or previous owner may request from the Department a list of all known outstanding liabilities due the Department by the facility and of any known pending Department actions against a facility that may result in further liability. For purposes of this Section, "overpayment" shall include amounts not lawfully payable to the facility.

- 6) 89 Ill. Adm. Code 104;
- 7) Overpayments resulting from advance C-13 payments made pursuant to Section 140.71;
- 8) Liabilities resulting from nonpayment or delinquent payment of assessments pursuant to Sections 140.82, Section 140.84 and 140.94; and
- 9) Amounts identified during past, pending or future audits that pertain to audit periods prior to a change in ownership and are conducted pursuant to Sections 140.30 and 140.590. Liability of current owners or operators for amounts identified during such audits shall be as follows:

- A) For past audits (audits completed before changes in ownership), liability shall be the amount established by final administrative decision.
- B) For pending audits (audits initiated, but not completed,

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

prior to the change in ownership), liability shall be limited to the lesser of the amounts established by final administrative decision or two months of service revenue. Two months of service revenue is defined as the most recent two months of Medicaid patient days as reported on the latest cost-report filed by the setting owner or operator multiplied by the total Medicaid rate in effect on the date the new owner or operator is enrolled in the program as a provider by the Department. The Medicaid rate in effect on the date of enrollment shall be used even if that rate is subsequently changed.

- C) For future audits (audits initiated after the change in ownership but pertaining to an audit period prior to a change in ownership), liability shall be limited as described in subsection (k)(4)(B) of this Section above.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)

- a) In order to be qualified to receive reimbursement for services provided to QMB eligible clients (see 89 Ill. Adm. Code 120.72), providers must be enrolled in the Medical Assistance Medicaid Program. Providers must also accept assignment of Medicare benefits for QMB recipients, when payment for services to such persons is sought from the Department.

- b) For Medicaid covered services, the Department will reimburse qualified providers who render services to QMBs in accordance with Department standards for the service(s) provided. For non-Medicaid covered services, the Department will reimburse qualified providers who render services to QMBs at the full Medicare deductible and coinsurance rate. Licensed and Medicare certified nursing facilities that enroll for the sole purpose of receiving payment for services to QMB only residents of the facility, then disenroll, are not subject to the provisions found in Section 140.506 governing voluntary withdrawal from the Medical Assistance Program.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART B: GROUP CME

Section 140.502 Cessation of Payment at Federal Direction

The Department may cease payments for the care of a resident Medicaid recipient in a long term group care facility, who is eligible under the Medical

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Assistance Program, effective 30 days following the final disqualification of that facility by the federal government Federal Government from participation in the Medicare or Medicaid programs, unless the Department shall have determined pursuant to Section 140.504 140.505 that payment should be continued for that resident recipient.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 140.503 Cessation of Payment for Improper Level of Care

The Department may ~~shall~~ cease payments for the care of a resident recipient in a long term group care facility, who is eligible under the Medical Assistance Program, effective 30 days following the Department's decision that the facility does not provide a level of care commensurate with the level of care needed by that resident recipient, unless the Department has determined pursuant to Section 140.504 that payment should be continued for that resident recipient. The Department has sole discretion to continue payment when there are circumstances affecting the health, safety and welfare of the resident that justify continued payment. Such circumstances include, but are not limited to, alternate facility placement cannot be found or transfer of a resident, as certified by a physician, may endanger the resident's life.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 140.505 Informal Hearing Process for Denial of Payment for New ICF/MR Admissions Continuation of Payment Because of Threat-to-Life (Repealed)

- a) The Department may deny payment for new admissions to an Intermediate Care Facility for the Mentally Retarded (ICF/MR) that is found to be out of compliance with the applicable conditions of participation (42 CFR 483, Subpart I) as the result of a survey and follow-up survey conducted by the Department of Public Health (DPH). The sanction of denial of payment for new admissions shall be imposed if the facility has failed to correct cited deficiencies and comply with conditions of participation for ICFs/MR within 60 days after the exit date of the DPH initial survey.

- b) If, at the end of the 60 days referenced in subsection (a) of this Section, the facility has not achieved compliance, the Department shall issue a written notice to the facility setting forth:

- 1) A statement that the Department intends to impose the sanction of denial of payment for new admissions; and
- 2) A statement that the facility is entitled to an informal hearing prior to imposition of the sanction.

- c) Informal hearing

- 1) The sole issue of an informal hearing under this Section is whether the facility is out of compliance with the conditions of

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- participation for an ICF/MR.
- 2) The informal hearing shall consist of the facility presenting written evidence to the Department for its review, refuting the determination that the facility is out of compliance with the conditions of participation for an ICF/MR. Such written evidence must be received by the Department within 30 days after the date of the Department's notice to the facility under subsection (b) of this Section. The Department shall review the written evidence and provide the facility with a written decision of its determination, setting forth the reasons for its determination.
 - 3) If a facility fails to timely submit the written evidence specified above, the Department shall make a determination that payments for new admissions be denied.
 - d) If the Department determines, as a result of the informal hearing, that payments for new admissions will be denied, the Department shall issue a written notice to the facility informing it that the denial of payment for new admissions will be imposed on a specified date that shall not be fewer than 15 days from the date of the notice.
 - e) The denial of payments for new admissions shall remain in effect until the Department is notified by DPH that the facility has come into compliance with the conditions of participation.

(Source: Old Section repealed at 19 Ill. Reg. 15692, effective November 6, 1995; new Section added at 24 Ill. Reg. _____, effective _____)

Section 140.506 Provider Voluntary Withdrawal

- a) A long term care facility may voluntarily withdraw from participation in the Medical Assistance Program by notifying the Department in writing at least 60 days prior to the effective date of the withdrawal. Recipients for whom the Department makes payment under the Medicaid program to long term care facilities are protected by the Nursing-Home-Care-Reform-Act-of-1997 (411-1997-Stat.; 1997-chr. 11-127, pars. 4452-461 through 4453-461 and 4453-461 through 4453-463). No such recipient may be required by the facility under such Act to leave the facility for reasons other than those enumerated in that Act.
- b) If a long term care facility informs the Department in writing that it intends to withdraw from the Medical Assistance Program Department's Medicaid program, the Department shall not pay for the care of new admissions to the facility on or after the effective date of voluntary withdrawal.
- i) New admissions to the facility after the effective date of voluntary withdrawal:
- 2) Persons already residing in the facility whose eligibility for medical assistance becomes effective after the effective date of the facility's voluntary withdrawal:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- c) The Department shall continue to pay for the care of individuals recipients who are were residing in a facility which voluntarily withdraws from participation in the Medical Assistance Program Medicaid program provided that:
 - 1) Payment is not terminated by operation of Sections 140.502, 140.503 or 140.504.
 - 2) The facility continues to receive certification surveys and enters into provider agreements for persons already residing in the facility as approved recipients of medical assistance.
 - 3) The individual has continuously resided in the facility since the day before the effective date of the facility's voluntary withdrawal with the Department the recipient's effective date of eligibility for medical assistance falls on or before the effective date of the facility's voluntary withdrawal.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 140.700 Discharge of Long Term Care Residents

- a) A nursing facility participating in the Medical Assistance Program is prohibited from failing or refusing to retain as a resident any person because he or she is a recipient or an applicant for the Medical Assistance Program. A recipient or applicant shall be considered a resident in the nursing facility during any hospital stay totaling ten 10 days or less following a hospital admission regardless of whether or not the nursing facility qualifies for payment for bed reserve per the criteria stated in Section 99-111-Adm-Code 140.523.
- b) If a nursing facility should refuse to accept a resident back in the facility after a stay in the hospital of less than ten days, the result may be that the resident will thereafter incur hospital bills of a greater amount than the nursing facility care would have cost. If the Department were to become liable to pay such hospital bills as a result of the nursing facility's refusal to take the recipient back into the facility, the Department shall recoup its costs for the unnecessary hospitalization from the nursing facility. The provider will be required to pay the Department the portion of the hospital bill that is in excess of the amount that would otherwise have been paid for care in the nursing facility from the date on which the nursing facility refused to accept the resident's return. The Department will notify the provider of its intent to recoup and opportunity for a hearing shall be given pursuant to 89 Ill. Adm. Code 104.2 Suprat C.
- c) A nursing facility must establish and follow a written policy under which a resident, whose hospitalization or therapeutic leave exceeds the bed reserve period specified in Section 140.523, is readmitted to the nursing facility immediately upon the first availability of a bed in a semi-private, same sex, room if the resident requires the

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- services provided by the nursing facility and is eligible for Medicaid certified facility services.
- d) The nursing facility must permit each resident to remain in the nursing facility and not transfer or discharge the resident except in specific instances as stated at ~~in--the~~ 77 Ill. Adm. Code 300.3300(c)(1)(A) through (C).
- e) For all Medicaid certified nursing facilities, notice of transfer or discharge must be made to any resident 30 days before the resident is transferred or discharged as mandated by 42 CFR 483.12 (a)(4)(B). In addition to requirements stated at ~~in--the~~ 77 Ill. Adm. Code 300.3300(e), the contents of the notice shall also include requirements under 42 CFR 483.12(a)(5).
- f) Pursuant to Section 1919(c)(2)(F) of the Social Security Act and Section 140.506 of this Part, a nursing facility that voluntarily withdraws from participation in the Medical Assistance Program, but continues to provide nursing facility services, is prohibited from using the facility's voluntary withdrawal from participation as an acceptable basis for the transfer or discharge of residents of the facility who were residing in the facility on the day before the effective date of the withdrawal, including those residents who were not entitled to coverage under the Medical Assistance Program as of that day.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Duties of the Superintendents of the Illinois Veterans Homes
- 2) Code Citation: 95 Ill. Adm. Code 106
- 3) Section Number: _____
Authority Note Proposed Action:
Amend
- 4) Statutory Authority: P.A. 90-186, effective July 23, 1997
- 5) A Complete Description of the Subjects and Issues Involved: Updates statutory references in the Authority Note.
- 6) Will this proposed rule replace any emergency rule in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking neither creates nor expands a State mandate.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments may be submitted, in writing, within 45 days after the publication of this Notice in the *Illinois Register* to:
- Richard Luttrell
Illinois Department of Veterans' Affairs
833 S. Spring Street -- PO Box 19432
Springfield IL 62794-9432
217/785-6083
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small business, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: it was not anticipated.

DEPARTMENT OF VETERANS' AFFAIRS
NOTICE OF PROPOSED AMENDMENTS

The full text of the Proposed amendments begins on the next page:

DEPARTMENT OF VETERANS' AFFAIRS
NOTICE OF PROPOSED AMENDMENTS
TITLE 95: VETERANS AND MILITARY AFFAIRS
CHAPTER I: DEPARTMENT OF VETERANS' AFFAIRS

PART 106
DUTIES OF THE SUPERINTENDENTS OF THE
ILLINOIS VETERANS HOMES

Section
106.10 Duties

AUTHORITY: Implementing and authorized by the Department of Veterans Affairs
Act (20 ILCS 2805).

SOURCE: Filed and effective December 15, 1977; codified at 6 Ill. Reg. 8438;
amended at 12 Ill. Reg. 14361, effective August 30, 1988; amended at 24 Ill.
Reg. _____, effective _____.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Land Sales Registration Act
- 2) Code Citation: 68 Ill Adm. Code 1260
- 3) Section Numbers: Adopted Action:
- | | |
|---------|--------|
| 1260.11 | Repeal |
| 1260.12 | Repeal |
| 1260.13 | Repeal |
| 1260.14 | Repeal |
| 1260.15 | Repeal |
| 1260.16 | Repeal |
| 1260.17 | Repeal |
| 1260.18 | Repeal |
| 1260.19 | Repeal |
| 1260.21 | Repeal |
| 1260.22 | Repeal |
| 1260.31 | Repeal |
| 1260.32 | Repeal |
| 1260.33 | Repeal |
| 1260.41 | Repeal |
| 1260.42 | Repeal |

- 4) Statutory Authority: Implementing and authorized by the Land Sales Registration Act [P.A. 91-338].

- 5) Effective Date of Rulemaking: June 13, 2000

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposed Repealer Published in Illinois Register: January 14, 2000, 24 Ill. Reg. 383

- 10) Has JCAR issued a Statement of Objection to this repealer? No

- 11) Differences between proposal and final version: Only technical non-substantive changes were made.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency repealer currently in effect? Yes

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED REPEALER

- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking was required by the implementation of the Land Sales Registration Act of 1999, as recommended by the Office of Banks and Real Estate, the National Land Council, and the Illinois Association of Realtors.
- 16) Information and questions regarding this adopted repealer shall be directed to:
- Christopher J. Siebel
Office of Banks and Real Estate
Legislative Liaison
500 E. Monroe Street
Springfield, IL 62701
Telephone: 217/782-6167
Telefax: 217/524-5941
E-Mail: csiebel@bre.state.il.us

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED RULES

1) Heading of the Part: Land Sales Registration Act of 1999

2) Code Citation: 68 Ill Adm. Code 1260

3) Section Numbers: Adopted Action:

1260.100	New
1260.105	New
1260.110	New
1260.115	New
1260.120	New
1260.125	New
1260.130	New
1260.135	New
1260.140	New
1260.145	New
1260.150	New
1260.155	New
1260.200	New
1260.205	New
1260.300	New
1260.305	New
1260.400	New

4) Statutory Authority: Implementing and authorized by the Land Sales Registration Act (P.A. 91-338).

5) Effective Date of Rulemaking: June 13, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: January 14, 2000, 24 Ill. Reg. 385

10) Has JCRC issued a Statement of Objection to these rules? No

11) Differences between proposal and final version: Technical non-substantive changes were made. Also, in response to industry suggestions, Section 1260.155 was added to clarify the retention period for specific records pursuant to Section 10-15 of the Land Sales Registration Act of 1999.

12) Have all the changes agreed upon by the agency and JCRC been made as indicated in the agreements issued by JCRC? Yes

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED RULES

13) Will this rulemaking replace an emergency rule currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: The rulemaking was required by the implementation of the Land Sales Registration Act of 1999, as recommended by the Office of Banks and Real Estate, the National Land Council, and the Illinois Association of Realtors. The purpose of this rulemaking is to clarify the filing requirements and set forth definitions.

16) Information and questions regarding these adopted rules shall be directed to:

Christopher J. Siebel
Offices of Banks and Real Estate
Legislative Liaison
500 E. Monroe Street
Springfield, IL 62701
Telephone: 217/782-6167
Telefax: 217/524-5941
E-Mail: csiebel@bre.state.il.us

The full text of the adopted rule begins on the next page:

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VIII: OFFICE OF BANKS AND REAL ESTATE

PART 1260

LAND SALES REGISTRATION ACT OF 1999

SUBPART A: ADDITIONAL INFORMATION TO BE INCLUDED IN THE APPLICATION FOR REGISTRATION OR EXEMPTION

Section	
1260.100	Information Regarding the Subdivider and Key Personnel
1260.105	Financial Statements
1260.110	Documents Evidencing the Title and Encumbrances
1260.115	Improvements
1260.120	Contracts and Conveyances
1260.125	Public Property Report
1260.130	Fees
1260.135	Abbreviated Registration
1260.140	Additional Information
1260.145	Form of Application
1260.150	Application for Exemption
1260.155	Copies of Instruments: Retention

SUBPART B: ADDITIONAL INFORMATION TO BE SUBMITTED TO THE OFFICE OF BANKS AND REAL ESTATE

Section	
1260.200	Information to be Submitted from Time to Time
1260.205	Information to be Submitted with Annual Renewal

SUBPART C: ADVERTISING AND PROMOTIONAL ACTIVITIES

Section	
1260.300	Submission of Advertising and Promotional Materials
1260.305	Guidelines for Statements Regarding Subdivided Land

SUBPART D: TRANSITION INFORMATION

Section	
1260.400	Registrations Under Previous Act; Extension; Expiration

AUTHORITY: Implementing the Land Sales Registration Act of 1999 [765 ILCS 86] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Land Sales Act, effective May 9, 1973; 5 Ill. Reg. 8914, September 4, 1981, effective August 20, 1981; codified at 5 Ill. Reg. 11036; transferred

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED RULES

from Chapter I, 68 Ill. Adm. Code 260 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1260 (Department of Professional Regulation) pursuant to PA 85-225, effective January 1, 1988, at 12 Ill. Reg. 2948; recodified from Chapter VII, Department of Professional Regulation, to Chapter VIII, Office of Banks and Real Estate, pursuant to PA 89-23 and PA 89-508, at 20 Ill. Reg. 11984; Part repealed by emergency amendment at 24 Ill. Reg. 680, effective January 1, 2000, for a maximum of 150 days; new Part adopted by emergency rulemaking at 24 Ill. Reg. 691, effective January 1, 2000, for a maximum of 150 days; old Part repealed and new Part adopted at 24 Ill. Reg. 8830, effective JUN 13 2000.

SUBPART A: ADDITIONAL INFORMATION TO BE INCLUDED IN THE APPLICATION FOR REGISTRATION OR EXEMPTION

Section 1260.100 Information Regarding the Subdivider and Key Personnel

The application required under Section 5-10 of the Act shall contain the following information:

- The form of business entity of the subdivider, including a certificate of authority to transact business in Illinois, if applicable.
- The name and address of the agent of the subdivider in Illinois authorized to accept service of process on behalf of the subdivider. Such agent shall remain authorized to accept service of process on behalf of the subdivider so long as the subdivided lands are registered in Illinois, and for two years thereafter; provided, however, that, with the consent of the Office of Banks and Real Estate, a substitute agent may be designated. If there is no such agent, the subdivider must sign a consent authorizing the Office of Banks and Real Estate to accept service of process on behalf of the subdivider as long as the subdivided lands are registered in Illinois and for two years thereafter.

- The name, current business address, and residential address of each officer, director, partner, member, proprietor, managing agent and substantial owner of the subdivider. A substantial owner is any person who, directly or indirectly, owns 10% or more of the subdivision.

- The nature and present status of any legal or administrative proceeding pending in any jurisdiction during the past five years arising out of the sale or offering for sale of real estate naming as a party:
 - The subdivider (or any predecessor entity).
 - Any person named in subsection (c).
 - Any business entity with which any person named in subsection (c) is associated as an officer, director, partner, member, proprietor, managing agent or substantial owner.

- The name, current business address, telephone number, and Illinois real estate license number of any brokers and salespersons, located in the State of Illinois, who offer or sell subdivided land subject to

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED RULES

the Land Sales Registration Act of 1999 (Act). A person who sells or offers to sell real estate subject to the Act shall hold a valid Illinois real estate broker or salesperson license issued pursuant to the Real Estate License Act of 2000, or its successor Act.

f) The name of the custodian of records required to be maintained under Section 10 of the Act, the address where such records are kept and the telephone number of the custodian.

Section 1260.105 Financial Statements

The application shall include, as exhibits, a certified financial statement showing assets, liabilities and profit (or loss) dated within 3 months after the date of the application. All financial statements submitted to the Office of Banks and Real Estate shall be certified by the chief financial officer of the applicant.

Section 1260.110 Documents Evidencing the Title and Encumbrances

The application shall include, as exhibits, documents evidencing the state of the title, including, without limitation, all encumbrances, easements, restrictions, conditions and liens.

a) Escrow Accounts - All escrow or other depository accounts required by the Act are to be in the control of a disinterested third party. The escrow account is to be held in a federally insured depository in the State of Illinois or the state in which the subdivision is located. The escrow agreement must be submitted to this Office for approval.

b) Subordination of Blanket Encumbrances - To satisfy the requirements of Section 10-20(4) of the Act, the subordination clause of the blanket encumbrance must inure to the benefit of the individual lot purchasers and be legally sufficient to protect the rights of individual lot purchasers in the event of default by the mortgagor.

c) Release Clauses - Lots must be released on a random basis at no cost to the individual lot purchaser other than obligations of the purchaser stated in the contract.

Section 1260.115 Improvements

The application shall set forth:

- a) A description of each improvement to the property which exists or which is proposed by the subdivider.
- b) A certified engineer's report stating whether the land is suitable for construction and maintenance of such improvements, setting forth with particularity any respects in which the land does not appear to be suitable.
- c) A construction schedule setting forth the scheduled date for completion of each improvement and the method to be used for financing construction of the improvement.
- 1) No improvement scheduled for completion more than ten years after

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED RULES

the date of filing the application may be referred to in the public property report.

2) The Office of Banks and Real Estate may, at any time, require the subdivider to provide financial assurances for the completion of promised improvements as set forth in Section 5-10(d) of the Act.

The Office of Banks and Real Estate may accept a registration from another jurisdiction, including as evidence that such assurances have been met in fulfillment of this requirement.

d) A description of each action by a unit of government which is necessary to assure the construction and maintenance of each improvement, including:

- 1) Copies of each such completed action, including, without limitation, licenses, permits, approvals, agreements and zoning ordinances.
- 2) A report on the status of each such action which is not complete, including copies of any request for action and any response from the government unit.

Section 1260.120 Contracts and Conveyances

The proposed contract, conveyance and any other document to be executed in connection with the sale of a subdivided lot shall be included as exhibits to the application. Such documents shall meet the following requirements.

a) All documents shall accurately describe the lot or lots being sold. Such description shall refer and conform to the map filed with the Office of Banks and Real Estate pursuant to the Act.

b) The contract shall contain a representation by the subdivider that the purchaser has been furnished with a copy of the public property report as required by the Act.

c) The contract shall contain a representation by the subdivider that the contract and the public property report contain all material representations made to the purchaser in connection with the sale.

d) The contract shall fully disclose any arrangements for financing the purchase between the subdivider (or any affiliated entity) and the purchaser.

e) The contract shall set forth the terms and conditions of any resale or exchange program available to the purchaser.

f) The contract shall require delivery of a deed meeting the requirements of subsection (g).

g) Contents of the Deed

1) The deed shall convey fee simple title to the grantee, his heirs or assigns, with covenants on the part of the grantor that:

- A) at the time of the making and delivery of such deed he was the lawful owner of an indefeasible estate in fee simple, in and to the premises therein described, and had good right and full power to convey the same;
- B) the same were then free from all encumbrances; and
- C) he warrants to the grantee, his heirs and assigns, the quiet

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED RULES

and peaceable possession of such premises, and will defend the title thereto against all persons who may lawfully claim the same.

- 2) Such covenants shall be obligatory upon any grantor, his heirs and personal representatives. The deed shall also set forth any condition, reservation or restriction running with the land and applying to any part or all of the subdivision. The deed shall be in proper form so that it can be recorded.

Section 1260.125 Public Property Report

- a) The public property report as required under Section 5-10(a)(11) of the Act shall include the following statement in bolded type on the cover page:

"This report has been filed with the Office of Banks and Real Estate of the State of Illinois as required by law to provide the purchaser with the information about the subdivision. The Office does not approve or recommend the purchase of any land described in this report. The Office advises you to visit the subdivision before purchasing or entering any contract to purchase any property in the subdivision. If you received this report prior to signing a contract or agreement, you may cancel your contract or agreement by giving notice to the seller any time before midnight of the seventh day following the signing of the contract or agreement. If you did not receive this report before you signed a contract or agreement, you may cancel the contract or agreement any time within 2 years from the date of signing."

- b) The Office of Banks and Real Estate may accept a federal property report or property report approved in another state, provided the property report contains information equivalent to or exceeds the requirements of Section 5-10(a)(11) of the Land Sales Registration Act of 1999.

Section 1260.130 Fees

The following non-refundable fees shall be paid to the Office of Banks and Real Estate for the functions performed by the Office of Banks and Real Estate under the Act.

Initial Registration Fees:	
- Initial registration of subdivision.....	\$1,500
Amendment Fees:	
- Amendment adding contiguous filing to an existing registration.....	750
- Any other amendment to an existing registration.....	150
Renewal Fees:	
- Renewal of subdivision registration.....	750

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED RULES

Miscellaneous Fees:

- Application for exemption.....	\$ 250
- Roster of persons registered under this Act.....	\$ 10

Section 1260.135 Abbreviated Registration

The Office of Banks and Real Estate may accept one of the following in lieu of some or all of the registration requirements of Section 5-10 of the Act:

- a) A completed Illinois registration application and a copy of the statement of record filed with respect to the subdivision pursuant to the Federal Interstate Land Sales Full Disclosure Act if the statement complies with the requirements of that Act and regulations pertinent to that Act.
- b) A completed Illinois registration application and an acceptable certificate of registration or other evidence of registration from another jurisdiction in which the requirements for registration are substantially the same or exceed those provided in the Act. Notwithstanding the requirements of Section 5-10, the Office of Banks and Real Estate may suspend or revoke any registration under this Section that includes any registration, property report, or similar disclosure documents accepted under this subsection if the registration, property report, or similar disclosure is suspended or revoked by the registering state or by the federal government.

Section 1260.140 Additional Information

The application shall set forth such additional information consistent with the Act as may be required to assure full and fair disclosure to prospective purchasers.

Section 1260.145 Form of Application

The subdivider shall submit the application in a readable and manageable form.

Section 1260.150 Application for Exemption

A subdivider or the subdivider's agent may apply for an exemption as set forth in Section 5-5 of the Act, by submitting a letter of request accompanied by documentation substantiating the requested exemption and the required application fee.

Section 1260.155 Copies of Instruments: Retention

Copies of instruments executed in connection with the sale of parcels within a subdivision shall be kept available in this State and subject to inspection by the Office of Banks and Real Estate for a period of no less than 3 years following the expiration, cancellation, or termination of the subdivision's registration.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED RULES

**SUBPART B: ADDITIONAL INFORMATION TO BE SUBMITTED
TO THE OFFICE OF BANKS AND REAL ESTATE**

Section 1260.200 Information to be Submitted from Time to Time

The subdivider shall amend or supplement its registration to report any material change in the information required by the Land Sales Registration Act of 1999. Such amendment or supplementation shall be made within 30 days after the occurrence of the material change. "Material change" means any change that alters the meaning or effect of an instrument or information, or any change which affects the rights or liabilities of any owner or purchaser.

Section 1260.205 Information to be Submitted with Annual Renewal

A certificate of registration shall expire on June 30 following the date of issuance. In the absence of any reason or condition under Section 10-35 of the Act that might warrant the suspension or revocation of a registration, a certificate shall be renewed upon payment of the required fee and supporting documentation. The subdivider shall submit the following information relating to the previous one-year period. This information must be received by the Office of Banks and Real Estate no later than July 30, or a late fee will be assessed.

- a) A list setting forth the name and address of each purchaser from Illinois.
- b) Any change in any material submitted pursuant to Section 6 of the Act or this Part necessary to make the material on file with the Office of Banks and Real Estate true and accurate as of June 30. Without limiting the generality of the foregoing, the following shall be submitted:
 - 1) A certified financial statement dated within three months after the renewal date, together with sworn statements by responsible officials of the subdivider disclosing all material changes in such statements as of the renewal date.
 - 2) A report on the condition and status of each improvement as of the renewal date.
 - 3) Such additional information consistent with the Act as the Office may require to assure full and fair disclosure to prospective purchasers.

SUBPART C: ADVERTISING AND PROMOTIONAL ACTIVITIES**Section 1260.300 Submission of Advertising and Promotional Materials**

The Office of Banks and Real Estate may request advertising and promotional materials at any time.

Section 1260.305 Guidelines for Statements Regarding Subdivided Land

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED RULES

Statements in connection with a sale or offer of subdivided land, however made, shall meet the guidelines set forth in this Section. These guidelines are not exhaustive, and such statements may be false or constitute a misrepresentation even though they do not violate any of the guidelines.

- a) Description of Subdivision and Its Location
 - 1) Distance. Use of general terms to indicate distance shall be coupled with the distance in actual road miles. When another community is referred to, the road miles shall be calculated from the geographical center of the community.
 - 2) Size of Tract. The size of the lot offered shall include the amount of land available for use by the purchaser, excluding any easements which make a portion of the land unusable. If easements are unusual in size, then this fact shall be noted. All maps, plats, representations or drawings shall show either the dimensions of the tract or the amount of acreage after deductions of easements.
 - 3) Use. A lot cannot be described in such a manner as to misstate the present condition or usefulness of the land. Statements, photographs or sketches portraying the use to which land can be put shall not be made unless the use is feasible with reasonable cost. For example, a lot cannot be described as a homestead unless water, electricity and sewage are available at reasonable cost.
- 4) Improvements.
 - A) Maps, plats or representations shall indicate the date that development will be completed. If completion dates for sections are over a period of years, then a series of shadings, outlines, or coding may be used to indicate dates of completion.
 - B) All pictorial representations of improvements shall accurately depict the present condition of the improvements; provided that artist's sketches or models can be used if all of the following disclosures are made:
 - i) A representation that the improvements are not in the condition depicted and an accurate description of the present condition.
 - ii) The projected completion date for each improvement.
 - iii) Any costs to be assessed to purchasers of lots or fees to be charged to users of the improvement.
- 5) Rights of Way and Roads.
 - A) References to legal access shall indicate whether such access is presently usable by automobiles.
 - B) Reference to "roads" and "streets" shall indicate the nature of such roads and streets. For example, to be described as "improved" or "paved," roads and streets shall be constructed and surfaced according to the specifications of the local county, city, or other appropriate public authority.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED RULES

C) No reference to a road easement or right-of-way shall be made unless such easement or right-of-way has been dedicated to the public or to appropriate property owners and recorded in the public records of the county in which the property is located.

6) Waterfront. Land shall not be referred to as "waterfront property" unless the property actually fronts on a body of water other than a canal.

b) Description of the Subdivider. Names or trade styles which imply incorrectly that a subdivider is a non-profit organization shall not be used.

c) Description of the Terms of Sale and Value.

1) Price and Value: a) Predictions of price or value or investment increases of lots or parcels of lands over which the subdivider does not have control shall not be made.

b) References to the purchase price of any lot, parcel or unit of land must also include any additional compulsory assessments or costs to the prospective purchaser.

c) Statements concerning future price increases by the subdivider shall be specific as to the amount and the date of the projected increase.

d) No statements or devices, such as certificates, which refer to fictitious prices or illusory discounts shall be used.

e) A lot shall not be termed "free" if the prospective purchaser is required to give any consideration and a lot shall not be termed for "closing costs only" when closing costs are substantially more than normal, or an additional lot must be purchased at a higher price.

2) Taxes. All statements concerning taxes and amounts thereof shall employ the latest available figures.

3) Financing. All statements concerning the terms available to finance the purchase of subdivided land shall disclose the costs to the purchaser, including the interest cost, of such financing. Statements negating certain costs (e.g., "no interest" or "no salesman's commissions") shall not be used.

4) Refunds. All statements regarding any available refund arrangement shall disclose all the terms and conditions of such arrangement. The words "guaranteed" or "guaranteed refund" will not be used unless the arrangement is unconditional.

d) Gifts and Promotions. 1) The words "gift", "award", "prize", or words of similar definition shall not be used in relation to merchandise or service if a consumer is charged a fee.

2) The words "sweepstake", "win", "selected", "contest", or words of similar definition shall not be used to create the impression that the promotion is a bona fide sweepstakes or contest when that is not the case.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED RULES

3) A subdivider or agent using a promotion in connection with the offering of an interest in real estate shall clearly disclose all of the following:

A) The name and address of the subdivider and the subdivision.

B) A statement that the promotion is intended to aid in selling an interest in real estate (i.e., homesite, etc.).

C) Complete rules of the promotion, including:

i) Length of promotion.

ii) Eligibility requirements.

iii) A statement that no purchase is required, if applicable.

iv) A statement that a scheduled tour of the property and attendance at a sales presentation is required, if applicable.

v) The method of awarding prizes, gifts, vacations, discount vacations, or other benefits under the promotion; a complete and fully detailed description, including the approximate retail value, of all prizes, gifts, or benefits under the promotion.

SUBPART D: TRANSITION INFORMATION

Section 1260.400 Registrations Under Previous Act: Extension; Expiration

All subdivisions registered under the Land Sales Registration Act of 1989 and in effect on December 30, 1999 shall remain in full force and effect after December 30, 1999 and shall be considered registered under this Part. All subdivision registrations shall expire on June 30, 2000. The Office of Banks and Real Estate shall provide notice of expiration to each registrant 30 days prior to the expiration date.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED RULES

1) Heading of the Part: Real Estate Timeshare Act of 1999

2) Code Citation: 68 Ill. Adm. Code 1451

3) Section Numbers: Adopted Action:

1451.10 New
1451.20 New
1451.30 New
1451.40 New
1451.50 New
1451.60 New
1451.70 New
1451.80 New
1451.90 New
1451.95 New
1451.100 New
1451.200 New
1451.210 New
1451.220 New
1451.230 New
1451.300 New

4) Statutory Authority: Implementing and authorized by the Real Estate Timeshare Act (PA 91-0585)

5) Effective Date of Rule: June 13, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: January 14, 2000, 24 Ill. Reg. 393

10) Has JCER issued a Statement of Objection to these rules? No

11) Differences between proposal and final version: Technical non-substantive changes were made. Also, at the request of American Resort Developers' Association, Sections 1451.220 and 1451.230 were added to clarify provisions of the Real Estate timeshare Act relating to exempt communications and types of publications or media.

12) Have all the changes agreed upon by the agency and JCER been made as

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED RULES

indicated in the agreements issued by JCER? Yes

13) Will this rule replace an emergency rule currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rule: Effective January 1, 2000, the Office of Banks and Real Estate commenced licensing under the new Real Estate Timeshare Act. The rules set forth definitions, license requirements, and other administrative rules needed to implement the new program.

16) Information and questions regarding this adopted rule shall be directed to:

Christopher J. Siebel
Office of Banks and Real Estate
Legislative Liaison
500 E. Monroe Street
Springfield, IL 62701
Telephone: 217/782-6167
Telefax: 217/524-5941
E-Mail: csiebel@bre.state.il.us

The full text of the adopted rule begins on the next page:

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VIII: OFFICE OF BANKS AND REAL ESTATE
SUBCHAPTER B: PROFESSIONS AND OCCUPATIONS

PART 1451

REAL ESTATE TIMESHARE ACT OF 1999

SUBPART A: ADDITIONAL DEFINITIONS

Definitions

SUBPART B: ADDITIONAL REGISTRATION INFORMATION

Comprehensive Registration

1451.20

Abbreviated Registration

1451.30

Alternative Registration

1451.40

Resale Agent Registration

1451.50

Exchange Company Registration

1451.60

Preliminary Permit

1451.70

Multi-Site Timeshare Plan Disclosure Requirements

1451.80

Public Offering Statement

1451.90

Fees

SUBPART C: ADDITIONAL INFORMATION TO BE SUBMITTED
TO THE OFFICE OF BANKS AND REAL ESTATE

Section

1451.100

Amendment of Registration

SUBPART D: ADVERTISING AND PROMOTIONAL MATERIALS

Section

1451.200

Submission of Advertising and Promotional Materials

1451.210

Guidelines for Advertising and Promotional Materials

1451.220

Exempt Communications

1451.230

National Publication or Electronic Media

SUBPART E: ADMINISTRATION AND TRANSITION INFORMATION

Section

1451.300

Registrations Under Previous Act; Extension; Expiration

AUTHORITY: Implementing and authorized by the Real Estate Time Share Act [765 ILCS 101] (P.A. 91-585, effective January 1, 2000).

SOURCE: Emergency rules adopted at 24 Ill. Reg. 850, effective January 1,

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED RULES

2000, for a maximum of 150 days; adopted at 24 Ill. Reg. 8842, effective JUN 13 2000.

SUBPART A: ADDITIONAL DEFINITIONS

Section 1451.10 Definitions

Unless otherwise defined or clarified in this Part, definitions set forth in the Act also apply for purposes of this Part.

"Act" shall mean the Real Estate Timeshare Act of 1999 [765 ILCS 101].

"OBRE" shall mean the Office of Banks and Real Estate.

SUBPART B: ADDITIONAL REGISTRATION INFORMATION

Section 1451.20 Comprehensive Registration

A comprehensive registration as set forth in Section 5-15(d) of the Act shall include but not be limited to:

- a) certificate of authority to transact business in Illinois, if applicable;
- b) certified financial statements;
- c) consent to service of process;
- d) consent to audit special accounts;
- e) a completed timeshare plan application/questionnaire, including the following exhibits:
 - 1) general location map;
 - 2) scaled, drafted plot map;
 - 3) floor plans for each type of unit;
 - 4) copy of plat or survey of record;
 - 5) evidence of title;
 - 6) legal description of property;
 - 7) encumbrances;
 - 8) covenants;
 - 9) certificate of occupancy, if available;
 - 10) certification of promised improvements;
 - 11) public offering statement;
 - 12) contract and conveyance documents;
 - 13) exchange company documents; and

- f) the required filing fee.

Section 1451.30 Abbreviated Registration

An abbreviated registration as set forth in Section 5-15(e) of the Act shall include but not be limited to:

- a) certificate of authority to transact business in Illinois, if

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED RULES

applicable;

- b) consent to service of process;
- c) consent to audit special accounts;
- d) a completed timeshare plan application/questionnaire;
- e) a certificate of registration or other evidence of registration from any jurisdiction in which the timeshare plan is approved or accepted and is in good standing with that jurisdiction;
- f) copies of any disclosure documents required to be given to purchasers or required to be filed with the jurisdiction in which the timeshare plan is approved; and
- g) the required filing fee.

Section 1451.40 Alternative Registration

- a) An alternative registration as set forth in Section 5-15(g) shall include but not be limited to:
 - 1) certificate of authority to transact business in Illinois, if applicable;
 - 2) consent to service of process;
 - 3) consent to audit special accounts;
 - 4) a completed timeshare plan application/questionnaire;
 - 5) copies of any disclosure documents required to be given to purchasers or required to be filed with the jurisdiction in which the timeshare plan is approved;
 - 6) an acceptable assurance in the amount of \$1,000,000, which may include an irrevocable letter of credit drawn on a federal or state chartered financial institution, or such other financial assurance acceptable to OBRE; and
 - 7) the required filing fee.
- b) Claims by any Illinois purchaser pursuant to Section 5-15(g) of the Act shall be subject to the following procedures:
 - 1) the Illinois purchaser must first obtain a final judgment in any court of competent jurisdiction against the developer or his or her agents or employees, on the grounds of conduct as determined by OBRE, that constitutes a violation of the Real Estate Timeshare Act of 1999 or this Part;
 - 2) the Illinois purchaser must submit an affidavit to OBRE along with a copy of the final judgment stating that the developer has failed to satisfy the judgment within 180 days after all appeals have been exhausted; and
 - 3) upon receipt by OBRE of the information required by 68 Ill. Adm. Code 1450.20(b), OBRE shall cause satisfaction of the judgment which constitutes actual monetary loss to the Illinois purchaser from the acceptable assurance.

Section 1451.50 Resale Agent Registration

Any person or entity that registers as a resale agent pursuant to the Act must

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED RULES

comply with Section 5-40 of the Act and shall be required to provide information, which may include, but not be limited to, a certification of licensure by the proper licensing authority of the jurisdiction in which the timeshare interest is located, if the resale agent is required to maintain a license in that jurisdiction.

Section 1451.60 Exchange Company Registration

Any exchange company required to register with OBRE may satisfy the registration and disclosure requirements by filing a registration submittal filed with another state, so long as the registration submittal substantially complies with the requirements specified in the Real Estate Timeshare Act of 1999.

Section 1451.70 Preliminary Permit

OBRE may issue a preliminary permit as set forth in Section 5-15(f) of the Act.

Section 1451.80 Multi-Site Timeshare Plan Disclosure Requirements

- a) If the timeshare plan is a multi-site plan, the developer shall provide additional information to OBRE, including, but not limited to:
 - 1) whether the purchaser of such multi-site plan will receive a specific timeshare interest; or
 - 2) whether the purchaser of such multi-site plan will receive a non-specific timeshare interest.
- b) A developer of a multi-site timeshare plan with one or more component sites which are made available through a reservation system shall make the following true and correct disclosures to OBRE, upon initial registration, and to the purchaser of a timeshare interest:
 - 1) name and address of each component site;
 - 2) number of accommodations and use periods expressed in periods of seven-day use availability and available for use by purchasers;
 - 3) each type of accommodation in terms of the number of bedrooms, bathrooms, sleeping capacity, and whether the accommodation contains a full kitchen;
 - 4) a description of facilities available for use by the purchaser at each component site;
 - 5) a description of the reservation system and the rules and regulations governing reservations;
 - 6) a summary of restrictions, if any, to be imposed on a purchaser concerning the use of each component site; and
 - 7) a description of any priority reservation rights at any component site that may affect the purchaser's odds of obtaining a reservation at that component site.
- c) Additionally, a developer of a multi-site timeshare plan with a non-specific interest, pursuant to subsection (a)(2), shall disclose the following information to OBRE upon initial registration and shall

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED RULES

provide any change in information to OBRE annually at the renewal:

- 1) certification that a one-to-one purchaser-to- accommodation ratio, pursuant to Section 1-30 of the Act, is maintained;
- 2) the location of all accommodations;
- 3) the number of timeshare intervals available at each location or component site;
- 4) the number of purchasers eligible to use the accommodations of a timeshare plan; and
- 5) a statement of evidence of title for each component site for which a non-specific timeshare interest is being offered in Illinois has been filed with OBRE together with a brief description for each component site of:
 - A) the type of interest for each accommodation (fee simple, leasehold, in trust);
 - B) the duration of such interest (perpetual, number of years); and
 - C) any liens, defects, or encumbrances on or affecting the title to the timeshare interest.

Section 1451.90 Public Offering Statement

- a) Each public offering statement shall:
 - 1) contain the information required by Section 5-25 of the Act;
 - 2) be provided in writing or electronic means to OBRE and purchasers; and
 - 3) provide for a document certifying receipt of the public offering statement by the purchaser.
- b) The public offering statement shall be submitted to OBRE in the English language and any reference in an approval letter of OBRE to the documents comprising the public offering statement shall be to such documents in the English language. A developer may use non-English versions of the documents if:
 - 1) any such document is an accurate translation of the English version that has been approved by OBRE; and
 - 2) the developer has identified each translated document in a completed, executed statement using the form prescribed by OBRE.
 Upon request by OBRE, a developer shall promptly deliver to OBRE a copy of any translated document that has been or is being used in an offering.
- c) Approval by OBRE of a public offering statement shall not be promoted to the public as an endorsement by OBRE of the developer or the timeshare plan or be used to induce the purchase of an interest in a timeshare plan.
- d) In the case of a timeshare plan with accommodations located outside the State of Illinois, OBRE may accept the public offering statement or similar disclosure document utilized in any other state in which the timeshare plan is registered; provided, however, that such public offering statement or disclosure document contains information

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED RULES

substantially equivalent to or greater than the information required by the Real Estate Timeshare Act of 1999.

Section 1451.95 Fees

- a) Initial Registration Fees
 - 1) Developer Registration Fee:

Single-Site Timeshare Plan.....	\$1,500
Multi-Site Timeshare Plan that includes a Specific Timeshare Interest.....	\$1,500
- For each component site offered in Illinois.....	\$1,500
- For each component site not offered in Illinois (maximum \$1,500).....	\$50
Multi-Site Timeshare Plan that includes a Non-Specific Timeshare Interest.....	\$3,000
- For each component site included in the Multi-Site Timeshare plan (maximum \$15,000).....	\$ 500
Preliminary Permit.....	\$ 500
 - 2) Acquisition Agent Registration Fee (one time initial registration per entity).....
 \$ 500 | - 3) Sales Agent Registration Fee (one time initial registration per entity).....
 \$ 500 | - 4) Managing Entity Registration Fee (one time initial registration per entity).....
 \$ 500 | - 5) Exchange Company Registration Fee.....
 \$ 250 | - 6) Resale Agent Registration Fee.....
 \$ 500 |
- b) Registration Renewal Fees
 - 1) Developer Registration Fee:

Single-Site Timeshare Plan.....	\$1,000
Multi-Site Timeshare Plan that includes a Specific Timeshare Interest.....	\$1,000
- For each component site offered in Illinois.....	\$1,000
- For each component site not offered in Illinois (maximum \$1,000).....	\$ 25
Multi-Site Timeshare Plan that includes a Non-Specific Timeshare Interest.....	\$2,000
- For each component site included in the Multi-Site Timeshare Plan (maximum \$10,000).....	\$ 250
 - 2) Acquisition Agent Registration Fee (one time initial registration per entity).....
 \$ 100 | - 3) Sales Agent Registration Fee (one time initial registration per entity).....
 \$ 100 | - 4) Managing Entity Registration Fee (one time initial registration per entity).....
 \$ 100 | - 5) Exchange Company Registration Fee.....
 \$ 100 |

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED RULES

- 6) Resale Agent Registration Fee.....\$ 250
- c) Amendment Fees
- 1) Single-Site Timeshare Plan:
- Adding accommodations or units.....\$1,000
- 2) Multi-Site Timeshare Plan that includes a Specific Timeshare Interest:
- Adding units to a component site to be offered in Illinois.....\$1,000
- Adding a new component site to be offered in Illinois...\$1,000
- Adding a new component site not offered in Illinois (maximum \$1,500).....\$1,500
- 3) Multi-Site Timeshare Plan that includes a Non-Specific Timeshare Interest:
- Adding units to a component site.....\$1,000
- Adding a new component site.....\$1,000
- 4) All other amendments to an existing registration.....\$ 250

SUBPART C: ADDITIONAL INFORMATION TO BE SUBMITTED TO

THE OFFICE OF BANKS AND REAL ESTATE

Section 1451.100 Amendment of Registration

The developer shall amend or supplement its registration to report any material change in the information required by the Real Estate Timeshare Act of 1999. Such amendment or supplementation shall be made within 20 days after the occurrence of the material change. "Material change" means any change which alters the meaning or effect of an instrument or information, or any change which affects the rights or liabilities of any timeshare owner or any potential timeshare purchaser.

SUBPART D: ADVERTISING AND PROMOTIONAL MATERIALS

Section 1451.200 Submission of Advertising and Promotional Materials

OBRE may request advertising and promotional materials at any time.

Section 1451.210 Guidelines for Advertising and Promotional Materials

Any advertising material relating to a timeshare plan, including prize and gift promotional offers, must be in full compliance with Section 10-25 and the guidelines set forth in this Section.

- a) A seller or other person using an advertisement or promotion in connection with the offering of a timeshare plan shall clearly disclose:
- 1) that any person whose name or address is obtained during the promotion may be solicited to purchase a timeshare interest and attendance at a sales presentation may be required;
 - 2) the name of each seller or other person trying to sell a

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED RULES

- timeshare interest through the promotion and the name of each person paying for the promotion;
- 3) the complete rules of the promotion;
 - 4) the method of awarding prizes, gifts, or other benefits under the promotion; a complete and fully detailed description, including approximate retail value of all prizes, gifts or benefits under the promotion; any required deposits or additional fees; the quantity, if limited, of each prize, gift or benefit that will be awarded or conferred; and
 - 5) each piece of advertising or promotional piece shall contain the following disclosure in bold face, 10 point type: "THIS ADVERTISING MATERIAL IS BEING USED FOR THE PURPOSE OF SOLICITING THE SALE OF TIMESHAIRE INTERESTS" or substantially similar language and format acceptable to OBRE.
 - b) A seller or other person operating an exhibit booth, kiosk, or any other type of stand-alone display in Illinois must prominently disclose on the signage, in at least 2" typed letters, the name of the seller and/or person paying for the promotion.
 - c) If a seller or other person represents that a prize, gift, or benefit will be awarded in connection with a promotion, the prize, gift or benefit must be awarded or conferred in a manner represented, and on or before the date presented.
 - d) A seller or other person using an advertisement or promotion in connection with the offering of a timeshare plan shall not:
 - 1) misrepresent a fact material to a purchaser's decision to purchase a timeshare interest;
 - 2) predict specific or immediate increases in the value of a timeshare interest;
 - 3) materially misrepresent the qualities or characteristics of a timeshare property or the amenities available to a purchaser;
 - 4) misrepresent the length that accommodations or amenities will be available to the purchaser of a specific or non-specific timeshare interest; or
 - 5) knowingly misrepresent the conditions under which a purchaser of a specific or non-specific timeshare interest may exchange the right of his or her occupancy for the right to occupy an accommodation in another location.

Section 1451.220 Exempt Communications

Exempt communications, pursuant to Section 5-10(b) of the Act, shall be deemed to be exempt only if delivered to an existing timeshare owner or a member of an exchange program by the developer of the timeshare plan or its successor, the managing entity of the timeshare plan, selling agent of the timeshare plan, or by an exchange company of the timeshare plan.

Section 1451.230 National Publication or Electronic Media

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED RULES

For purposes of Section 5-5(3) of the Act, "national publication or electronic media" means publications or media circulated, distributed and broadcast on a regional or national basis to residents of the United States and any foreign countries, which may include radio, newspaper, television, the internet, and other electronic media that is not intentionally directed to or targeted to individuals located in Illinois. The sending of a direct solicitation or electronic mail message to the internet address of an individual known to be located in Illinois shall not be considered an offer through a national publication or electronic media.

SUBPART E: ADMINISTRATION AND TRANSITION INFORMATION

Section 1451.300 Registrations Under Previous Act; Extension; Expiration

- a) Pursuant to Section 25-5 of the Act, all registrations in effect under the Illinois Real Estate Time-Share Act [765 ILCS 100, repealed] shall remain in full force and effect after January 1, 2000.
- b) All registrations in effect pursuant to subsection (a) above, which would have expired on December 31, 1999, shall be extended to April 1, 2000 under the Act, except for exchange company registrations. Exchange company registrations shall be extended to July 1, 2000.
- c) All registrations under the Act and this Section shall expire annually on April 1, except for exchange company registrations. Exchange company registrations shall expire annually on July 1.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Administrative Hearing Rules

- 2) Code Citation: 56 Ill. Adm. Code 2605

- 3) Section Number: Adoption Action:

2605.10	New Section
2605.20	New Section
2605.40	New Section
2605.50	New Section
2605.60	New Section
2605.70	New Section
2605.80	New Section
2605.90	New Section
2605.100	New Section
2605.110	New Section
2605.120	New Section
2605.130	New Section
2605.140	New Section
2605.150	New Section
2605.160	New Section
2605.170	New Section
2605.180	New Section
2605.190	New Section
2605.200	New Section
2605.210	New Section
2605.220	New Section
2605.230	New Section
2605.240	New Section
2605.250	New Section
2605.260	New Section
2605.270	New Section
2605.280	New Section
2605.290	New Section
2605.300	New Section
2605.310	New Section
2605.320	New Section
2605.330	New Section
2605.340	New Section
2605.350	New Section
2605.360	New Section
2605.370	New Section
2605.380	New Section
2605.390	New Section
2605.400	New Section
2605.410	New Section
2605.420	New Section

- 4) Statutory Authority: Implementing Section 5-10(a)(i) and Article 10 of the

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(1) and Art. 10].

- 5) Effective Date of Rules: June 13, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? Yes. A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: "Published at 23 Ill. Reg. 7326 on July 2, 1999."

10) Has JCPR issued a Statement of Objection to these rules? No

11) Differences between proposal and final version:

- * Makes corrections to the table of contents and section headings to renumber, correct text and correct typographical errors.
- * Adds a section on Retroactive Applications stating this Part shall apply to any matters currently pending in the Department's administrative hearing proceedings on June 1, 2000."
- * Adds definition of "municipality" and changes definitions of "Hearing Number", "Notice of Charges", "Program Rule", and "Respondent".
- * Deleted Section 2605.30 concerning severability.
- * Changed title of Section 2605.50 from "Variances" to "Modifications" and similarly changed references within the section text.
- * In Section 2605.100 concerning the computation of time limits:
 - Change "b) Notice requirements shall be construed to mean notice received, but proof that notice was dispatched by means reasonably calculated to be received by the prescribed date shall be prima facie proof that notice was timely received."
 - "b) Notice requirements shall be construed to mean notice received. However, proof that notice was dispatched by means reasonably calculated to be received by the prescribed date shall be prima facie proof that notice was timely filed.
- * Petitions, evidence, motions, notices, and all other correspondence sent by U.S. mail will be considered as filed with the Department on the date postmarked."

- * In Section 2605.110:
 - Change "b) All documents submitted shall be signed by the party filing them. Such signature constitutes a representation by the party that the party has read the document and that, to the best

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

of the party's knowledge, information, and belief, the statements made therein are true, and are not made for the purpose of delay or harassment." to "b) All documents submitted to the Department that require verification shall be signed by the party filing them. All other documents submitted by the party shall be signed by the party or his representative. Such signature constitutes a representation by the party or his representative that the party or representative has read the documents and that, to the best of the party or representative's knowledge, information, and belief, the statements made therein are true, and are not made for purposes of delay or harassment."

* In Section 2605.110:

Change "d) Any party submitting a document in the case must also provide a copy to the Hearing Officer at an address designated by the Hearing Officer." to "d) Any party submitting or filing a document in the administrative proceedings must also simultaneously send a copy to the opposing party and the Hearing Officer at their designated addresses."

* In Section 2605.120:

Change the first sentence "a) Service of every document after the petition for hearing or Notice of Charges shall be made by personal delivery upon all parties, or United States mail, properly addressed, with postage prepaid, unless otherwise required in this Part. Proof of service must be attached to the original of any document served." to "a) Service of all documents after a petition for hearing or Notice of Charges has been initiated shall be made by personal delivery upon all parties, or United States mail, properly addressed, with postage prepaid, unless otherwise required in this Part. Proof of service must be attached to the original of any document served."

Change "b) Service on the Department is made by service on the Office of the" to "b) Service on the Department is made by serving the Office of the".

* In Section 2605.130:

Change "A petition for hearing or Notice of Charges may be withdrawn at any time by notice and motion to the Hearing Officer, and all of the parties involved. Such motion shall be granted, and the Hearing Officer shall issue an order dismissing the petition for hearing or Notice of Charges, and its underlying cause with prejudice." to "Prior to hearing, an unopposed motion to voluntarily dismiss or withdraw a petition for hearing or Notice of Charges shall be granted, and the Hearing Officer shall issue an order dismissing the petition for hearing or Notice of Charges, and its underlying cause with prejudice. However, the Hearing Officer, within his discretion, may hear and decide a motion that has been filed prior to a

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

motion to voluntarily dismiss or withdraw when that prior filed motion could result in a final disposition of the cause. After a hearing begins or where a motion to voluntarily dismiss or withdraw is challenged, the Hearing Officer shall exercise his discretion in allowing said motion when the voluntary dismissal or withdrawal would serve the interests of justice."

* In Section 2605.140:

Change "Petition for Hearing is rejected. Upon the second failure to properly initiate an Administrative Hearing with regard to a particular finding and/or decision of the Department, the Department may dismiss the Petition for Hearing with prejudice." to "Petition for Hearing is rejected and shall grant the party 28 days to amend the petition. Upon the second failure to properly initiate an Administrative Hearing and where a Petition contains superficial, procedural or technical defects, the Department shall state the basis upon which the Petition for Hearing is rejected and the Petition shall be dismissed without prejudice. Thereafter, the Complainant may refile within the remaining statute of limitations. Such dismissal by the Department shall be treated as a Final Decision pursuant to Section 2605.410 for purposes of appeal."

* In Section 2605.150:

Change "Any issues that are not addressed specifically and directly, and not by implication, in the Petition for Hearing or Notice of Charges, as required in this Part, will be irrevocably waived in any Administrative Hearing conducted by the Department." to "Any issues that are not specifically, directly or implicitly addressed in the Petition for Hearing or Notice of Charges will be irrevocably waived in any Administrative Hearing conducted by the Department."

* In Section 2605.160:

Change "Any document submitted that is determined by the Hearing Officer, after motion made by the Department, to be without basis, untrue, or made for the purpose of delay or harassment, shall subject the party submitting it to sanctions, including, but not limited to, the following:" to "Upon motion, any document that is submitted and subsequently determined by the Hearing Officer to be without basis, untrue, or made for the purpose of delay or harassment, shall subject the party submitting it to sanctions, including, but not limited to, the following:"

Change "a) Dismissal of the Petition for Hearing with prejudice;" to "a) Dismissal of the Petition for Hearing or Notice of Charges with prejudice; and"

Change "b) Denial of the party's motion; and" to "b) Denial

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

of the party's motion."

Delete "c) Costs, including but not limited to reasonable attorney's fees and other costs incurred by the Department."

* In Section 2605.180:

Change "a) In all contested cases instituted by either a Petition for" to "a) In all contested cases initiated by either a petition for" and change "Answer within 10 business days after the date on which the" to "Answer within 28 days after the date on which the".

Change "Petition for Hearing or Notice of Charges was received." to "Petition for Hearing or Notice of Charges was served." Change "Answer shall be in writing, signed by the Respondent or his representative, and shall contain a specific response to each" to "Answer shall be in writing, signed by the Respondent and shall contain a specific response to each".

Change b) from "by an affidavit of the Respondent or his representative attesting to the truth of this assertion," to "by an affidavit of the Respondent attesting to the truth of this assertion."

Change "c) On motion by either party, the Hearing Officer will cause to be issued a notice to plead or be held in default. If, within 15 days after issuance of such notice, the Respondent does not Answer or otherwise file a responsive pleading, he will be held in default and a default order may be entered." to "c) On motion by any party, the Hearing Officer will issue a notice to plead or be held in default to the Respondent who has failed to answer. If, within 15 days after issuance of such notice, the Respondent does not Answer or otherwise file a responsive pleading, he will be held in default and a default order may be entered."

* In Section 2605.190:

Change "In the interest of the efficient disposition of Administrative Hearings, the Hearing Officer may consolidate or sever any parties or cases, upon the motion of any party, or upon his own motion. A party may contest the Hearing Officer's decision by filing a motion, as provided in this Part setting forth specific reasons why the party will be unduly prejudiced." to "In the interest of efficient disposition of Administrative Hearing and upon motion of any party or sua sponte, the Hearing Officer may consolidate or sever any parties or cases. A party may contest the Hearing Officer's decision by filing a motion, as provided in this Part, setting forth specific reasons why the party will be unduly prejudiced by such consolidation or severance."

* In Section 2650.200:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

Change "a) In any Administrative Hearing, the Department shall appoint and/or retain a Hearing Officer to conduct the Administrative Hearing. The Hearing Officer shall be an attorney, licensed to practice law in Illinois," to "in any Administrative Hearing, the Department shall appoint and/or retain an impartial or independent person as a Hearing Officer to conduct the Administrative Hearing. The Hearing Officer shall meet the following standards and qualifications:"

Change "b) The Hearing Officer shall:" to "a) be of high integrity, good personal reputation, and impartial;"

Change "i) Conduct a fair and impartial Administrative Hearing; and" to "b) be a member in good standing of the Bar of Illinois;"

Change "j) Take all necessary action to avoid delay, maintain order, and insure the development of a clear and complete record," to "c) be familiar with the rules of evidence applied in civil cases in the circuit courts of Illinois and with the IAPA and Rules promulgated thereunder;"

Change "c) The Hearing Officer shall have all powers necessary to conduct the Administrative Hearing as provided above, including but not limited to the power to:" to "d) The Department is not prohibited from selecting a Department employee to act as the Hearing Officer provided that that employee meets the above qualifications and has not had any direct involvement with the case. Mere familiarity with the facts shall not disqualify an otherwise qualified person from action as the Hearing Officer."

* In Section 2605-210, deletes duties of Hearing Officer and replaces with

"The Hearing Officer shall:

- a) 1) Conduct a fair and impartial Administrative Hearing; and
- 2) Take all necessary action to avoid delay, maintain order, and insure that development of a clear and complete record.
- b) The Hearing Officer shall have all powers necessary to conduct the Administrative Hearing as provided above, including but not limited to the power to:
 - 1) Administer oaths and affirmations;
 - 2) Regulate the course of the Administrative Hearing; set the time and place for continued hearings; fix the time for submitting documents; provide for the taking of testimony by deposition, if necessary; and generally conduct the proceedings according to generally recognized principles of administrative law and this Part;
 - 3) Dispose of procedural requests or similar matters;

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

- 4) Examine witnesses and direct witnesses to testify; limit the number of times any witness may testify, limit repetitions or cumulative testimony; and set reasonable limits on the amount of time each witness may testify;
- 5) Rule upon offers of proof; receive relevant evidence; and determine what evidence is admissible;
- 6) Direct parties to appear and confer for the settlement or simplification of issues and to otherwise conduct prehearing conferences;
- 7) Make rulings on motions and objections;
- 8) Consider all relevant facts and circumstances;
- 9) Enter any order that further carries out the purpose of this Part;
- 10) Compile a record of the proceedings in compliance with IAPA Section 10-35;
- 11) Submit Findings of Fact and Conclusions of Law to the parties at the conclusion of the Administrative Hearing; and
- 12) Render a Final Decision where the Director delegates that authority at the time of the Hearing Officer's appointment and/or retainerment."

* In Section 2605-240:

Change "a) Any party may be represented by an attorney who is licensed to practice law in Illinois. Attorneys who appear in a representative capacity must file a Written Notice of Appearance setting forth:" to "a) Any party may be represented by an attorney, provided that the attorney is licensed to practice law in Illinois or by an attorney who is permitted to practice law in Illinois under Article VII of the Illinois Supreme Court Rules (Effective January 1, 1967). Attorneys who appear in a representative capacity must file a Written Notice of Appearance setting forth the following:"

Change "attorney where service of papers may be made;" to "attorney upon whom service of papers may be made;"

Change "b) A natural person, who is a party, may appear and be heard on his own behalf. If a party has a guardian, the party may be represented by his guardian. If a party is a minor and does not have a guardian, the party may be represented by his parents." to "b) A natural person, who is a party, may appear and be heard on his own behalf. A party may use an interpreter if necessary."

Change "c) A corporation or association shall appear and be heard only by an attorney who is licensed to practice law in Illinois. A shareholder, corporate officer, employee, or member of the board of directors may not appear or represent a corporation or association, unless the individual is authorized

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

to practice law in Illinois." to "c) A corporation or may be represented by a corporate officer provided said officer is qualified to practice law in Illinois, as set forth above."

Change "e) Only attorneys licensed to practice law in Illinois shall represent any others in an Administrative Hearing proceeding before the Department." to "e) Only attorneys licensed to practice law in Illinois, as set forth above, shall represent any other individuals or entities in an Administrative Hearing proceeding before the Department."

Change "Illinois Rules of Professional Conduct (Article 8 of the Illinois" to "Illinois Rules of Professional Conduct (Article VIII of the Illinois" in (f).

Change "g) If any of the above actions are taken by the Hearing Officer, it shall be done as a matter of record, and the Hearing Officer shall state for the record the specific reasons for the action." to "g) If the Hearing Officer takes any of the above actions, it shall be done as a matter of record, and the Hearing Officer shall state for the record the specific reasons for the action."

Change "However, attorneys may be substituted without motion, upon notice to all parties and the Hearing Officer, as long as the substitution will not delay the proceedings, and a statement to that effect is contained in the notice." to "However, substitution of attorneys is permitted without motion, provided notice is given to all parties and to the Hearing Officer, as long as the substitution will not delay the proceedings, and a statement to that effect is contained in the notice." in (i).

* In Section 2605.250:

Change "a) The Hearing Officer may grant a person leave to intervene in the proceedings prior to the hearing of evidence, if the person submits a petition for intervention, when:" to "a) Prior to the hearing of evidence, a person may submit a petition for intervention. The Hearing Officer may grant the person leave to intervene if the person demonstrates one of the following:"

Delete (b)-(d) as proposed in Section 2605.260.

Change "e) An intervenor shall have all of the rights of an original party" to "b) An intervenor shall have all of the rights of an original party"

Change "been raised at an earlier stage of the proceeding, that the intervenor shall not interfere with the control of the

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

Administrative Hearing as justice and the avoidance of undue delay may require." to "been raised at an earlier stage of the proceeding, unless the intervenor can show good cause for delay in intervening or as justice requires."

Change "f) The decision of the Hearing Officer as to the granting or denial of the petition for intervention shall be considered a Final Decision of the Department as to the issue of intervention, and subjects the intervenor to the provisions of the Administrative Review Law." to "c) The decision of the Hearing Officer granting or denying the petition for intervention shall be considered a Final Decision pursuant to Section 2605.410 for purposes of appeal."

* Delete proposed "2605.270 Additional Parties" in its entirety.

* In Section 2605.260:

Change "a) A motion shall be made in writing, unless the Hearing Officer finds that an oral motion would expedite the Administrative Hearing and not interfere with the parties' presentation of their cases." to "a) Motions, unless made during a hearing, shall be in writing, shall specify the relief and/or order sought, and shall be served on all parties and filed with the Department."

Change "b) When any motion is filed, the opposing party has 10 business days," to "b) When any motion is filed, the opposing party has 28 days,"

Change "upon, and affidavits or other supporting evidence. If no response is filed, the parties shall be deemed to have waived objections to the granting of the motion. The moving party shall have no right to reply except as permitted by the Hearing Officer." to "upon, and affidavits or other supporting evidence. The moving party shall have 14 days, or such other period as the Hearing Officer may prescribe, to file a written reply. When any oral motion is presented during a hearing, the respondent may respond instant or he may request leave to file a written response within the same time periods as set forth in this section. If no response is filed nor orally presented, the responding party's right to object will be deemed waived. Any dispositive motion that disposes of all claims or all parties in the action that is granted shall be part of the Administrative Record and shall be treated as a Final Decision pursuant to Section 2605.410 for purposes of appeal."

Change "understanding of the issues presented. Where facts are alleged, as a basis for the request, that are not a part of the record in the case, an affidavit will be attached to the motion setting forth" to "understanding of the issues presented. Where facts are alleged, in support of a motion that are not a

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

part of the record in the case, an affidavit shall be attached to the motion setting forth" in (c).

Change "presented before him" to "presented before him within a reasonable time. All motions and corresponding orders shall be part of the Administrative Record." In (d).

Change "f) Any party may file motions for default, motions to dismiss, motions for summary judgment, and motions for protective orders. The Hearing Officer shall render an order granting or denying that motions within 10 business days after receiving a response to the motion, unless additional time is required. Any order granting a motion to dismiss, granting a default judgment, or granting a motion for summary judgment shall be forwarded as a record of the Administrative Hearing in accordance with Section 10-35 of the TAPA." to "f) Before granting any dispositive motion, the Hearing Officer may first afford the party an opportunity to cure the defect(s) in pleading or proof, and the ruling shall be made part of the Administrative Record in accordance with Section 10-35 of the TAPA."

Delete "g) Where the Hearing Officer grants any motion that would dispose of the case, it shall first afford the parties an opportunity to cure the defects in pleading or proof, and the ruling shall be forwarded as a part of the record of the Administrative Hearing in accordance with Section 10-35 of the TAPA."

- In Section 2605.270:

Change "discovery shall not be the subject of motions presented to the Hearing Officer, except when a motion is made alleging failure to comply with this Section." to "discovery shall only commence after a Petition for Hearing or Notice of Charges has been initiated/ filed, docketed and assigned a Hearing Number by the Department. Discovery shall not be the subject of motions presented to the Hearing Officer, except when a motion is made alleging failure to comply with this Section." in (a)

Add "4) Requests to Admit." in (b)

Change "e) The above information shall be provided within 10 business days after receipt of the request" to "e) The above information shall be provided within 28 days after receipt of the discovery request, unless a longer or shorter period is agreed upon by the parties or granted by the Hearing Officer."

Change "f) Whether or not a request is made during discovery, a party shall be entitled to any exculpatory evidence in either

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

party's possession. Exculpatory evidence is any evidence that tends to support the opposing party's position or to call into question the credibility of a party's witness." to "f) Where a party obtains or is in possession of exculpatory evidence, that party must turn over such evidence to the opposing party immediately."

Change "g) Upon a written request served on any party at any time after the Administrative Hearing is commenced, the party will be required to answer interrogatories and produce documents, books, records, or other evidence that relates directly to conduct of the party's business within 10 business days after its receipt." to "g) A party shall respond to a written discovery request(s) that was/were properly served on him. The responding party is required to answer the discovery request within 28 days after receipt, unless a longer or shorter period is agreed upon by the parties or granted by the Hearing Officer. If a party fails to answer a Request to Admit within 28 days, the Requests to Admit shall be deemed admitted against that party."

Change "i) This provision will be construed to impose a continuing obligation upon the parties to exchange new information as it becomes available." to "i) This provision imposes a continuing obligation upon the parties to tender new information as it becomes available as well as a continuing obligation to supplement any disclosures or responses to discovery requests to include information acquired thereafter."

- Delete proposed "Section 2605.300 Subpoenas" in its entirety.
- Delete proposed "Section 2605.310 Witness Fees and Expenses" in its entirety.
- In Section 2605.280:

Change "a) Upon written motion by the Hearing Officer or any party, the" to "a) Upon motion by the Hearing Officer or any party, the"

Change "signed by the Hearing Officer and all parties involved in the" to "signed by the Hearing Officer and all parties or representatives involved in the" in (b).

Change "Administrative Hearing, and shall become a part of the record of the case." to "Administrative Hearing, and shall become a part of the record of the Administrative Record."

Change "settlement made prior to an Administrative Hearing must be signed by the Hearing Officer and all parties involved. The settlement agreement shall be in the form of a report containing a Findings of Fact and Conclusions of Law section." to "settlement must be signed by the Hearing Officer and all

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

parties involved. The settlement agreement shall be memorialized by a report and the Hearing Officer shall enter an order dismissing the case with prejudice" in (c).

* In Section 2605.290:

Change "All Hearings shall be conducted by the Department at the following location, unless otherwise agreed to by the parties and the Hearing Officer:" to "All Hearings shall be conducted by the Department at one of its locations as determined by the Department, unless otherwise agreed to by the parties and the Hearing Officer. The Department's locations are as follows:" in (a).

Delete "Office of the General Counsel" in (a).

Add "Illinois Department of Commerce and Community Affairs
100 W. Randolph Street, 3rd. Floor
Chicago, Illinois 60601" in (a).

Change "parties and the Hearing Officer." to "the parties and/or ordered by the Hearing Officer." in (b).

Change "6) Final Decision - Described in Section 2605.460." to "F) Final Decision - Described in Section 2605.410." in (b).

* In Section 2605.300:

Change "A Hearing may be postponed or continued for due cause by the Hearing Officer upon his own motion or upon motion of a party to the Hearing. Notice of any postponement or continuance shall be given in writing to all parties to the Hearing within a reasonable time in advance of the previously scheduled Hearing date. All parties involved in a Hearing shall attempt to avoid undue delay caused by repetitive postponements or continuances so that the subject matter of the Hearing may be resolved expeditiously." to "Upon motion by a party or the Hearing Officer, a Hearing may be postponed or continued for just cause. Written notice of any postponement or continuance shall be given to all parties within a reasonable time in advance of the previously scheduled Hearing date. All parties shall attempt to avoid unnecessary and repetitive postponements or continuances so that the administrative proceedings may be resolved expeditiously."

* In Section 2605.310:

Change "Failure to appear at the time and place set for Hearing shall be deemed a waiver of the right to present evidence. After presentation by the Department of an offer of proof that the party was given proper notice, the Hearing Officer shall enter his order. If a party fails to appear, the Petition for Hearing shall be dismissed with prejudice." to "Any party failing to appear at a Hearing shall waive its right to present evidence. If the Hearing Officer determines that proper notice was given, he shall grant affirmative relief to the party appearing or he shall enter an order dismissing the Petition for

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

Hearing or Notice of Charges, with prejudice."

* In Section 2605.320:

Change "burden of persuasion, rests with the Petitioner in all cases instituted by" to "burden of persuasion, rests with the Petitioner in all cases initiated by".

Change "instituted by the filing of a Notice of Charges." to "initiated by the filing of a Notice of Charges."

* In Section 2605.340:

Change "which it is offered, provided that the rules relating to privileged communications and privileged topics shall be observed." to "which it is offered." in (a).

Change "c) When the admissibility of disputed evidence depends upon an arguable interpretation of substantive law, the Hearing Officer shall admit such evidence." to "c) The Hearing Officer shall use his discretion in admitting or denying the admission of evidence."

Delete "d) A party may conduct examinations or cross-examinations without rigid adherence to formal rules of evidence, provided the examination or cross-examination can be shown to be necessary and pertinent to a full and fair disclosure of the subject matters of the Hearing."

Change "e) Hearsay is not admissible. In addition to any other exceptions to the hearsay rule that exist in Illinois, a statement shall be admitted if it has circumstantial guarantees of trustworthiness and if the probative value of the statement outweighs any prejudice resulting from an inability to cross-examine the declarant." to "d) Hearsay is not admissible except where exceptions to the hearsay rule which exist in Illinois are applicable or where a statement has circumstantial guarantees of trustworthiness and if the probative value of the statement outweighs any prejudice resulting from an inability to cross-examine the declarant."

Change "f) Statements that are not hearsay:" to "e) Statements that are not hearsay:"

Change "A) Inconsistent with his testimony and was given under oath" to "A) Inconsistent with his testimony that was given under oath"

* In Section 2605.350:

Change "a) Business records shall be admissible. A business record is material that is:" to "a) The rules admitting business records will be the same as those contained in Rule 236 of the Illinois Supreme Court Rules."

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

Delete 2605.350(a)(1)-(6) and (b).

Change "c) Any party seeking introduction of documents will be allowed to offer a copy of the original without any showing that the original is unavailable, upon representation of the party or attorney that the copy is a fair and accurate copy of the original." to "b) Any party seeking to admit document(s) other than the original(s) may do so, provided the party certifies that the copy is a true and correct copy of the original. The party need not show that the original is unavailable."

* Delete proposed Section 2605.400 Official Notice in its entirety.

* In Section 2605.370:

Change "b) A witness called in good faith who surprises the party calling him by his testimony can be examined as if under cross-examination and the testimony of the witness may be impeached by prior statements." to "b) A witness called in good faith whose testimony surprises the party who called the witness may examine that party as if under cross-examination, and the testimony of the witness may be impeached by prior statements."

* In Section 2605.380:

Change "An official court reporter shall be engaged to make and transcribe a stenographic record of the Hearing. The Department will provide for such copies of the transcript as it may require for its purposes. No copies of the transcript will be provided to the parties by the Department, but copies may be obtained from the official reporter upon payment of the appropriate costs. The costs shall be borne equally by the parties to the Hearing." to "An official court reporter shall be engaged by the Department to make and transcribe a stenographic record of the Hearing. The Department will not provide copies of the transcript to the parties, but the parties may obtain copies from the official reporter upon payment of the appropriate costs."

* In Section 2605.390:

Change "for Hearing or Notice of Charges and any Responses);" to "for Hearing or Notice of Charges and any Answers);" in (a). Change "2) Motions, briefs, arguments, affidavits, exhibits, documents," to "2) Motions, briefs, arguments, affidavits, exhibits, documents," in (a). Change "4) The transcript of the Hearing;" to "4) All discovery responses;" in (a). Change "5) A statement of matters officially noticed;" to "5) A transcript of the hearing as well as any transcript of any proceeding applicable for appeal or for administrative review;" in (a). Change "6) Offers of proof, objections, and rulings;" to "6) A statement of matters officially noticed;" in (a).

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

Change "7) Any proposed findings and exceptions;" to "7) Offers of proof, objections, and rulings;" in (a). Change "8) Any order, decision, opinion, or report by the Hearing Officer;" to "8) Any proposed findings and exceptions;" in (a).

Change "9) All staff memoranda or data submitted to the Hearing Officer or members of the Department in connection with their consideration of the case; and" to "9) Any order, decision, opinion, or report by the Hearing Officer;" in (a).

Change "10) Any communication prohibited by Section 2605.240 (Ex Parte Communication), but no such communication shall form the basis for any finding of Fact." to "10) All staff memoranda or data submitted to the Hearing Officer of the case;" in (a).

Insert "11) Any communication prohibited by Section 10-60 of the IAPA or Section 2605.230 of this Part. (5 ILCS 100/10-35)." in (a).

Change "transcribed at the request of any party." to "transcribed at the request of any party. The parties shall agree to the method of recording and shall share such costs equally." in (b).

Change "matters officially noticed. (Section 10-35 of the IAPA)" to "matters officially noticed. [5 ILCS 100/10-35]." in (c).

Change "1) Subpoenas;" to "1) Cover Letters;" in (d).

Change "2) Requests for Subpoenas;" to "2) Notices of Filing;" in (d).

Change "3) Cover Letters;" to "3) Proofs of Service of Regular Mail;" in (d).

Change "4) Notices of Filing;" to "4) Notices of Deposition;" or" in (d).

Change "5) Proofs of Service for Regular Mail;" to "5) Discovery Requests." in (d).

Delete 2605.440 (d)(6) and (7).

Change "e) The Department shall be the official custodian of the record of the Administrative Hearing held before the Department." to "e) The Department shall be the official custodian of the Administrative Record of the administrative hearing proceedings held before the Department."

* In Section 2605.400:
Change "the record. [5 ILCS 100/10-45]" (Section 10-45 of the IAPA) to "the record. [5 ILCS 100/10-45]."

* In Section 2605.410:
Change "a) The Final Decision in a contested case shall be in

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

writing and become a part of the record. The Final Decision shall include Findings of Fact and Conclusions of Law, separately stated." to "a) The final decision in a contested case shall be in writing and shall become a part of the Administrative Record. A final decision shall include findings of fact and conclusions of law, separately stated." Change "facts supporting the findings. If, in accordance with this Part," to "facts supporting the findings. If, in accordance with this Part," in (a). Change "return receipt requested, of any Final Decision." to "return receipt requested, of any decision" in (a). Change "copy of the Final Decision shall be delivered or mailed forthwith" to "copy of the decision shall be delivered or mailed forthwith" in (a). Change "to each party and to his attorney of record." to "to each party and to his attorney of record. [5 ILCS 100/10-50]" in (a).

Change "b) All orders shall specify whether they are final and subject to the Administrative Review Law. (Section 10-50 of the IAPA)" to "b) All agency orders shall specify whether they are final and subject to the Administrative Review Law. [5 ILCS 100/10-50]" in (b).

* added the following section:

- "Section 2605.420 Administrative Review
a) Final administrative decisions of the Department are subject to review under the provisions of the Administrative Review Law (735 ILCS 5/3).
b) The Department shall certify the record of its administrative hearing proceedings.
c) In all cases where administrative review is sought in the Circuit Court, the original certification of the Administrative Record will be filed by the Department with the Clerk of the Circuit Court. Additional copies will also be prepared by the Department and forwarded to the Attorney General. The party seeking administrative review shall bear the cost of producing the original and copies of the certified record. The cost of the record may be waived when the Department is satisfied that the party seeking review under the Administrative Review Law cannot afford to pay such costs."

In addition, grammatical changes were made.

- 11) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
13) Will these rules replace emergency rules currently in effect? No
14) Are there any amendments pending on this Part? No

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

- 15) Summary and Purpose of Rules: The primary reason for the rulemaking is to promulgate a concise and complete set of hearing rules for the Department's administrative proceedings.
16) Information and questions regarding these adopted rules shall be directed to:

Ms. Raya Bogard
Administrative Code Rules Manager
Illinois Department of Commerce and Community Affairs
620 East Adams
Springfield, IL 62701
Telephone: (217) 785-6285

The full text of the adopted rules begins on the next page:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER III: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 2605
ADMINISTRATIVE HEARING RULES

Section
2605.10 Authority
2605.20 Applicability
2605.40 Definitions
2605.50 Modifications
2605.60 What May Be Reviewed in an Administrative Hearing
2605.70 What May Not Be Reviewed in an Administrative Hearing
2605.80 Procedure for Initiating an Administrative Hearing
2605.90 Department Hours
2605.100 Computing Time Limits
2605.110 Form of Documents
2605.120 Service
2605.130 Voluntary Dismissal or Withdrawal of a Petition for Hearing or Notice of Charges
2605.140 Failure to Properly Initiate an Administrative Hearing
2605.150 Waiver of Issues
2605.160 Sanctions
2605.170 Notice of Hearing
2605.180 Requirement of an Answer
2605.190 Consolidation and Severance of Parties and Cases
2605.200 Hearing Officer
2605.210 Hearing Officer Duties
2605.220 Recusal of Hearing Officer
2605.230 Ex Parte Communication
2605.240 Representation and Appearance
2605.250 Intervenor
2605.260 Motions
2605.270 Discovery
2605.280 Prehearing Conference
2605.290 Hearings
2605.300 Postponement or Continuance of Hearing
2605.310 Failure to Appear
2605.320 Burden of Proof
2605.330 Standard of Proof
2605.340 Evidence
2605.350 Business Records
2605.360 Examination of Witnesses by Hearing Officer
2605.370 Adverse Witness
2605.380 Transcript of Hearing
2605.390 Administrative Record
2605.400 Proposal for Decision
2605.410 Final Decision

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

2605.420 Administrative Review

AUTHORITY: Implementing Section 5-10(a)(1) and Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(1) and Art. 10].

SOURCE: Adopted at 24 Ill. Reg. 88 5 3, effective 11/10/2000.

Section 2605.10 Authority

This Part is issued pursuant to Section 5-10(a)(1) and Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/5-10].

Section 2605.20 Applicability

- a) This Part shall apply to all Administrative Hearings conducted by the Illinois Department of Commerce and Community Affairs that are not specifically provided for under any other Section of the Illinois Administrative Code or other Program Rules.
- b) This Part shall apply to any matters pending in the Department's Administrative Hearing proceedings on June 1, 2000 that are not specifically governed by other rules of the Department.

Section 2605.40 Definitions

"IAPA" means the Illinois Administrative Procedure Act [5 ILCS 100].

"Administrative Hearing" means the adjudicatory proceeding used to resolve a contested case (also referred to as a "Hearing").

"Agency" shall have the meaning ascribed to it in Section 1-20 of the IAPA.

"Agency Head" shall have the meaning ascribed to it in Section 1-25 of the IAPA.

"Business Day" means all days except Saturday and Sunday, and all weekdays that are not national and/or State legal holidays.

"Complainant" means the party who initiates the Administrative Hearing.

"Contested Case" shall have the meaning ascribed to it in Section 1-30 of the IAPA.

"Department" means the Illinois Department of Commerce and Community Affairs.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

"Director" means the Director of the Department or duly appointed Acting Director, or in his absence from the State, or in any event of his incapacity to act, his next immediate subordinate officer within the Department.

"Hearing Number" means the case number assigned to the Petition for Hearing or the Notice of Charges by the Department for the Administrative Hearing proceedings.

"Hearing Officer" means the Administrative Law Judge as defined in Section 1-15 of the IAPA, and is the person appointed or retained by the Department to preside over the Administrative Hearing proceedings.

"He/His" includes either male or female gender.

"Municipality" shall have the meaning ascribed to it in Section 1-45 of the IAPA.

"Notice of Charges" means a complaint filed by the Department initiating an Administrative Hearing proceeding against a Recipient under this Part.

"Order" shall have the meaning ascribed to it in Section 1-50 of the IAPA.

"Party" shall have the meaning ascribed to it in Section 1-55 of the IAPA.

"Person" shall have the meaning ascribed to it in Section 1-60 of the IAPA.

"Petition for Hearing" means a request for an Administrative Hearing.

"Program Rule" means any of the rules adopted by the Department of Commerce and Community Affairs and codified within the Illinois Administrative Code.

"Proof of Service" means evidence submitted specifying the date, method, and person who served a document on another party. All Proofs of Service must be signed by the server.

"Recipient" means anyone that has received direct financial assistance from the Department pursuant to a Statute or Program Rule.

"Respondent" means any party who answers/responds to a Notice of Charges, Petition for Hearing, or Motion.

"Statute" means a formal written enactment of a legislative body,

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

whether Federal or State.

"Statutory Authority" means the authority given to the Department by a Statute.

"Subrecipient" means anyone that received financial assistance from a Recipient.

Section 2605.50 Modifications

a) The Hearing Officer may modify this Part under the following circumstances:

- 1) The parties agree by written stipulation;
 - 2) Upon motion by a party who cannot obtain agreement from other parties; or
 - 3) Upon the Hearing Officer's own motion, where he finds in a particular case, that compliance with the rule in that particular case, is unreasonable or unnecessarily burdensome.
- b) Where a motion for modification is brought, the movant must show that compliance with the rule from which the modification or waiver is requested would, in that particular case, be unreasonable or unnecessarily burdensome.
- c) When the Hearing Officer rules on a motion for modification he shall set forth the reasons for his decision and he shall notify the parties within a reasonable time thereafter.

Section 2605.60 What May Be Reviewed in an Administrative Hearing

Subject to Section 2605.70, any finding and/or decision of the Department may be reviewed in an Administrative Hearing where a Statute and/or Program Rule provides for it.

Section 2605.70 What May Not Be Reviewed in an Administrative Hearing

The following may not be reviewed in an Administrative Hearing, unless otherwise permitted by a Statute and/or Program Rule:

- a) Rulemaking as set forth in Sections 5-35, 5-40, 5-45, and 5-50 of the IAPA;
- b) Instances in which a party has waived his right to an Administrative Hearing;
- c) Issues involving unfair labor practices or discrimination in employment;
- d) The Department's decision to deny an application for financial assistance, or to fund at a lower level than requested; or
- e) A declaratory ruling as provided for in Section 5-150 of the IAPA [5 ILCS 100/5-150].

Section 2605.80 Procedure for Initiating an Administrative Hearing

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

- a) An Administrative Hearing is initiated by a party serving a Petition for Charges on the Department, or by the Department serving a Notice of Charges on a party. In either case, the service must be made within the required period of time as is specifically set forth by a Statute and/or Program Rule.
- b) The Petition for Hearing and the Notice of Charges must be in writing and signed by the party initiating the Administrative Hearing.
- c) The Petition for Hearing and the Notice of Charges must contain the following information:
 - 1) The name of the parties involved;
 - 2) The subject matter of the Administrative Hearing;
 - 3) The date;
 - 4) A list of the Department findings and/or decisions that are being challenged, and the specific reasons why the Petitioner asserts that the Department's findings and/or decisions are incorrect (in the case of a Petition for Hearing); and
 - 5) A list of the Department's charges against the party (in the case of a Notice of Charges).
- d) The Petition for Hearing must be personally delivered, or mailed via certified mail, return receipt requested, with proof of Service attached, to:

Office of the General Counsel
 Illinois Department of Commerce and Community Affairs
 620 East Adams Street
 Springfield, Illinois 62701.

- e) The Notice of Charges must be personally delivered, or mailed via certified mail, return receipt requested, with proof of Service attached, to the party's last known address.

Section 2605.90 Department Hours

The Department's hours are from 8:30 a.m. to 5:00 p.m., Monday through Friday, except for national and/or State legal holidays.

Section 2605.100 Computing Time Limits

- a) Computation of any period of time prescribed by this Part shall begin with the first business day following the day on which the act, event, or development initiating such period of time occurs, and shall run until the end of the last day or the next following business day, if the last day is a Saturday, Sunday, or legal holiday. Where the period of time is ten days or less, Saturdays, Sundays, and legal holidays shall be excluded in the computation of time.
- b) Notice requirements shall be construed to mean notice received. However, proof that notice was dispatched by means reasonably calculated to be received by the prescribed date shall be prima facie

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

proof that notice was timely filed. Petitions, evidence, motions, notices, and all other correspondence sent by U.S. mail will be considered as filed with the Department on the date postmarked.

Section 2605.110 Form of Documents

- a) All documents submitted pursuant to an Administrative Hearing shall be typewritten, on 8-1/2 by 11 inch white paper. The first page of each document shall set forth the names of the parties and the Hearing Number assigned to the case by the Department. A Petition for Hearing that is filed before a Hearing Number is assigned shall contain a space for entry of the assigned Hearing Number.
- b) All documents submitted to the Department that require verification shall be signed by the party filing them. All other documents submitted by the party shall be signed by the party or his representative. Such signature constitutes a representation by the party or his representative that the party or representative has read the documents and that, to the best of the party's or representative's knowledge, information, and belief, the statements made in the documents are true, and are not made for purposes of delay or harassment.
- c) All documents submitted to the Department after the Petition for Hearing shall be submitted in duplicate, together with a Proof of Service, unless other arrangements are agreed to between the parties.
- d) Any party submitting or filing a document in the administrative proceedings must also simultaneously send a copy to the opposing party and the Hearing Officer at their designated addresses.

Section 2605.120 Service

- a) Service of all documents after a Petition for Hearing or Notice of Charges has been initiated shall be made by personal delivery upon all parties, or United States mail, properly addressed, with postage prepaid, unless otherwise required in this Part. Proof of Service must be attached to the original of any document served. The parties may agree to service by facsimile, however, such Proof of Service shall contain a confirmation of receipt attached to the document faxed.
- b) Service on the Department is made by serving the Office of the General Counsel, at the Springfield office address, unless otherwise designated by the Department.
- c) Service on a party shall be at its last known address, unless otherwise designated by the party.

Section 2605.130 Voluntary Dismissal or Withdrawal of a Petition for Hearing or Notice of Charges

Prior to hearing, an unopposed motion to voluntarily dismiss or withdraw a Petition for Hearing or Notice of Charges shall be granted, and the Hearing

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

Officer shall issue an order dismissing the Petition for Hearing or Notice of Charges, and its underlying cause with prejudice. However, the Hearing Officer, within his discretion, may hear and decide a motion that has been filed prior to a motion to voluntarily dismiss or withdraw when that prior filed motion could result in a final disposition of the cause. After a hearing begins or where a motion to voluntarily dismiss or withdraw is challenged, the Hearing Officer shall exercise his discretion in allowing the motion when the voluntary dismissal or withdrawal would serve the interests of justice.

Section 2605.140 Failure to Properly Initiate an Administrative Hearing

The Department may reject any Petition for Hearing that does not comply with this Part. The Department shall state the basis upon which any Petition for Hearing is rejected and shall grant the party 28 days to amend the Petition. Upon the second failure to properly initiate an Administrative Hearing and where a Petition contains superficial, procedural or technical defects, the Department shall state the basis upon which the Petition for Hearing is rejected and the Petition shall be dismissed without prejudice. Thereafter, the Complainant may refile within the remaining statute of limitations. Such dismissal by the Department shall be treated as a Final Decision pursuant to Section 2605.410 for purposes of appeal.

Section 2605.150 Waiver of Issues

Any issues that are not specifically, directly or implicitly addressed in the Petition for Hearing or Notice of Charges will be irrevocably waived in any Administrative Hearing conducted by the Department.

Section 2605.160 Sanctions

Upon motion, any document that is submitted and subsequently determined by the Hearing Officer to be without basis, untrue, or made for the purpose of delay or harassment shall subject the party submitting it to sanctions, including, but not limited to, the following:

- a) Dismissal of the Petition for Hearing or Notice of Charges with prejudice; and
- b) Denial of the party's motion.

Section 2605.170 Notice of Hearing

- a) Upon receipt by the Department of a properly submitted Petition for Hearing, or in conjunction with a Notice of Charges, a Notice of Hearing shall be served, personally or by certified or registered mail, return receipt requested, by the Department upon the parties or their agents appointed to receive service of process, and shall include the following:

- 1) A statement of the date, time, place, and nature of the Administrative Hearing;

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

- 2) A statement of the legal authority and jurisdiction under which the Administrative Hearing is to be held;
- 3) A reference to the particular sections of the substantive and procedural statute and Program Rules involved;
- 4) A short and plain statement of the matters asserted, the consequences of a failure to respond, and the assigned Hearing Number; and
- 5) The names and mailing addresses of the Hearing Officer, all parties involved, and all other persons to whom the Department gives Notice of Hearing, unless otherwise confidential by law. (5 ILCS 100/10-25)

- b) Any contention that an improper Notice of Hearing was given will be deemed waived unless it is raised by a party prior to argument on any other motion, or, if no other motions are presented, prior to the commencement of opening statements.

Section 2605.180 Requirement of an Answer

- a) In all contested cases initiated by either a Petition for Hearing or a Notice of Charges, the Respondent shall file an Answer within 28 days after the date on which the Petition for Hearing or Notice of Charges was served. The Answer shall be in writing, signed by the Respondent and shall contain a specific response to each allegation. The Answer shall either admit or deny the allegation, or shall state that the Respondent has insufficient information to either admit or deny the allegation.
- b) Any Answer that states that the Respondent has insufficient information to admit or deny the allegation shall be accompanied by an affidavit of the Respondent attesting to the truth of this assertion.
- c) On motion by any party, the Hearing Officer will issue a notice to plead or be held in default to the Respondent who has failed to answer. If, within 15 days after issuance of such notice, the Respondent does not answer or otherwise file a responsive pleading, he will be held in default and a default order may be entered.

Section 2605.190 Consolidation and Severance of Parties and Cases

In the interest of efficient disposition of the Administrative Hearing and upon motion of any party or sua sponte, the Hearing Officer may consolidate or sever any parties or cases. A party may contest the Hearing Officer's decision by filing a motion, as provided in this Part, setting forth specific reasons why the party will be unduly prejudiced by the consolidation or severance.

Section 2605.200 Hearing Officer

In any Administrative Hearing, the Department shall appoint and/or retain an impartial or independent person as a Hearing Officer to conduct the Administrative Hearing. The Hearing Officer shall meet the following standards

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

and qualifications:

- a) be of high integrity, good personal reputation, and impartial;
- b) be a member in good standing of the Bar of Illinois;
- c) be familiar with the rules of evidence applied in civil cases in the circuit courts of Illinois and with the IAPA and rules promulgated under the IAPA;
- d) The Department is not prohibited from selecting a Department employee to act as the Hearing Officer provided that that employee meets the above qualifications and has not had any direct involvement with the case. Mere familiarity with the facts shall not disqualify an otherwise qualified person from action as the Hearing Officer.

Section 2605.210 Hearing Officer Duties

- a) The Hearing Officer shall:
 - 1) Conduct a fair and impartial Administrative Hearing; and
 - 2) Take all necessary action to avoid delay, maintain order, and insure development of a clear and complete record.
- b) The Hearing Officer shall have all powers necessary to conduct the Administrative Hearing as provided in this Part, including but not limited to the power to:
 - 1) Administer oaths and affirmations;
 - 2) Regulate the course of the Administrative Hearing; set the time and place for continued hearings; fix the time for submitting documents; provide for the taking of testimony by deposition, if necessary; and generally conduct the proceedings according to generally recognized principles of administrative law and this Part;
 - 3) Dispose of procedural requests or similar matters;
 - 4) Examine witnesses and direct witnesses to testify; limit the number of times any witness may testify, limit repetitious or cumulative testimony; and set reasonable limits on the amount of time each witness may testify;
 - 5) Rule upon offers of proof; receive relevant evidence; and determine what evidence is admissible;
 - 6) Direct parties to appear and confer for the settlement or simplification of issues and to otherwise conduct prehearing conferences;
 - 7) Make rulings on motions and objections;
 - 8) Consider all relevant facts and circumstances;
 - 9) Enter any order that further carries out the purpose of this Part;
 - 10) Compile a record of the proceedings in compliance with IAPA Section 10-35;
 - 11) Submit Findings of Fact and Conclusions of Law to the parties at the conclusion of the Administrative Hearing; and
 - 12) Render a Final Decision where the Director delegates that authority at the time of the Hearing Officer's appointment and/or

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

retainment.

Section 2605.220 Recusal of Hearing Officer

- a) Any party may file a timely and sufficient motion, supported by affidavit, requesting that the Hearing Officer recuse himself from hearing the case. The affidavit shall set forth allegations of personal bias or prejudice of the Hearing Officer. If a Hearing Officer recuses himself, the Department shall appoint and/or retain another Hearing Officer.
 - b) An adverse ruling in and of itself shall not constitute a bias or conflict of interest. [5 ILCS 100/10-30]
 - c) The Hearing Officer may at any time voluntarily disqualify himself upon written notice to the Department.
- Section 2605.230 Ex Parte Communication**
- a) Once appointed and/or retained, the Hearing Officer shall not communicate directly or indirectly with any party or any person interested in the outcome of the proceeding, with respect to the merits of any case not concluded, except upon notice and opportunity for all parties to participate. [5 ILCS 100/10-60]
 - b) The Hearing Officer may impose and enforce sanctions against a party who violates this Section.

Section 2605.240 Representation and Appearance

- a) Any party may be represented by an attorney, provided that the attorney is licensed to practice law in Illinois or by an attorney who is permitted to practice law in Illinois under Article VII of the Illinois Supreme Court Rules (Effective January 1, 1967). Attorneys who appear in a representative capacity must file a written Notice of Appearance setting forth the following:
 - 1) The name, address, telephone number, and Attorney Registration and Disciplinary Commission (ARDC) number of the attorney upon whom service of papers may be made;
 - 2) The name and address of the party represented; and
 - 3) An affirmative statement indicating that the attorney is licensed to practice law in Illinois.
- b) A natural person, who is a party, may appear and be heard on his own behalf. A party may use an interpreter if necessary.
- c) A corporation or association may be represented by a corporate officer provided that officer is qualified to practice law in Illinois, as set forth in subsection (a).
- d) A partnership may be represented by a general partner.
- e) Only attorneys licensed to practice law in Illinois, as set forth in subsection (a), shall represent any other individuals or entities in an Administrative Hearing proceeding before the Department.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

- f) All attorneys appearing in Administrative Hearing proceedings before the Hearing Officer shall conform their conduct to the Illinois Rules of Professional Conduct (Article VIII of the Illinois Supreme Court Rules). In the event that an attorney's behavior substantially impairs the administration of the Administrative Hearing, the Hearing Officer may take the following actions in a progressive manner:
- 1) Substitution of written argument for oral argument;
 - 2) Exclusion of the attorney from the proceeding;
 - 3) Suspension or revocation of the attorney's right to appear before the Hearing Officer in that contested case.
- g) If the Hearing Officer takes any of the above actions, it shall be done as a matter of record, and the Hearing Officer shall state for the record the specific reasons for the action.
- h) Non-attorneys appearing in proceedings before the Department shall be courteous and dignified, and shall maintain the decorum of the tribunal.
- i) An attorney may withdraw his appearance and/or representation only upon motion and appropriate ruling by the Hearing Officer. However, substitution of attorneys is permitted without motion, provided notice is given to all parties and to the Hearing Officer, as long as the substitution will not delay the proceedings, and a statement to that effect is contained in the notice.

Section 2605.250 Intervenor

- a) Prior to the hearing of evidence, a person may submit a Petition for Intervention. The Hearing Officer may grant the person leave to intervene if the person demonstrates one of the following:
- 1) The person can show an interest in the proceeding that may not be adequately represented by the parties to the proceeding; or
 - 2) The person may be affected by the Final Decision; or
 - 3) The person is another agency of the State of Illinois that has an interest (i.e., statutory right or duty) that may be affected by the matter that is before the Department.
- b) An intervenor shall have all of the rights of an original party, except that the Hearing Officer may, in his order allowing intervention, provide that the intervenor shall be bound by orders previously entered, or by evidence previously received, that the intervenor shall not raise issues that might more properly have been raised at an earlier stage of the proceeding, unless the intervenor can show good cause for delay in intervening or as justice requires.
- c) The decision of the Hearing Officer granting or denying the Petition for Intervention shall be considered a Final Decision pursuant to Section 2605.410 for purposes of appeal.

Section 2605.260 Motions

- a) Motions, unless made during a hearing, shall be in writing, shall

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

- specify the relief and/or order sought, and shall be served on all parties and filed with the Department.
- b) When any motion is filed, the opposing party has 28 days, or such other period as the Hearing Officer may prescribe, to file a written response setting forth the arguments, authorities relied upon, and affidavits or other supporting evidence. The moving party shall have 14 days, or such other period as the Hearing Officer may prescribe, to file a written reply. When any oral motion is presented during a hearing, the respondent may respond instantly or he may request leave to file a written response within the same time periods as set forth in this section. If no response is filed nor orally presented, the responding party's right to object will be deemed waived. Any dispositive motion that disposes of all claims or all parties in the action that is granted shall be part of the Administrative Record and shall be treated as a Final Decision pursuant to Section 2605.410 for purposes of appeal.
- c) The Hearing Officer may allow oral argument, and is authorized to question either party if deemed necessary for a fuller understanding of the issues presented. Where facts are alleged, in support of a motion that are not a part of the record in the case, an affidavit shall be attached to the motion setting forth those facts. A written motion shall be disposed of by written order and notice to all parties.
- d) The Hearing Officer shall rule upon all motions properly presented before him within a reasonable time. All motions and corresponding orders shall be part of the Administrative Record.
- e) Unless otherwise ordered, the filing of a motion or response shall not stay the proceeding or extend the time for the performance of any act.
- f) Before granting any dispositive motion, the Hearing Officer may first afford the party an opportunity to cure defects in pleading or proof, and the ruling shall be made part of the Administrative Record in accordance with Section 10-35 of the IAPA.

Section 2605.270 Discovery

- a) Discovery shall only commence after a Petition for Hearing or Notice of Charges has been initiated/ filed, docketed and assigned a Hearing Number by the Department. Discovery shall not be the subject of motions presented to the Hearing Officer, except when a motion is made alleging failure to comply with this Section.
- b) The following discovery procedures shall be used upon the written request served on the opposing party:
- 1) Interrogatories;
 - 2) Production of documents or things;
 - 3) Depositions; and
 - 4) Requests to Admit.
- c) The Hearing Officer may restrict such discovery where necessary to prevent undue delay or harassment.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

- a) Upon written request served on the opposing party, any party shall be entitled to, at a minimum:
- 1) The name and address of all witnesses who may be called to testify at the Administrative Hearing;
 - 2) Copies of all documents that may be offered as evidence; and
 - 3) A description of any other evidence that may be offered.
- e) The information described in subsection (d) shall be provided within 28 days after receipt of the discovery request, unless a longer or shorter period is agreed upon by the parties or granted by the Hearing Officer.
- f) Where a party obtains or is in possession of exculpatory evidence, that party must turn over such evidence to the opposing party immediately.
- g) A party shall respond to any written discovery requests that were properly served on him. The responding party is required to answer the discovery request within 28 days after receipt, unless a longer or shorter period is agreed upon by the parties or granted by the Hearing Officer. If a party fails to answer a Request to Admit within 28 days, the Request to Admit shall be deemed admitted against that party.
- h) Nothing in this Section shall prevent the parties in a contested case from agreeing to a mutual exchange of information that is more extensive than what is provided for in this Section. Where the parties agree to the use of an evidence deposition, such agreement shall be in writing and shall operate as a waiver of any objection not made during the deposition, except for an objection that the testimony of the witness is not relevant to the case.
- i) This provision imposes a continuing obligation upon the parties to tender new information as it becomes available as well as a continuing obligation to supplement any disclosures or responses to discovery requests to include information acquired after original submission.

Section 2605.280 Prehearing Conference

- a) Upon motion by the Hearing Officer or any party, the Hearing Officer may direct the parties to attend a Prehearing Conference at a mutually convenient time and place prior to the Administrative Hearing date for the purpose of:
- 1) Simplifying the issues;
 - 2) Limiting the issues;
 - 3) Amending the Petition for Hearing or Notice of Charges, if necessary;
 - 4) Stipulating to facts and/or admissions;
 - 5) Limiting the number of witnesses or evidence;
 - 6) Mutually exchanging prepared testimony and exhibits; and
 - 7) Any other matters that aid in the simplification of the Administrative Hearing.
- b) Any agreements, understandings, or conclusions made at a Prehearing

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

Conference shall be in the form of a Prehearing Order, signed by the Hearing Officer and all parties or representatives involved in the Administrative Hearing, and shall become a part of the Administrative Record.

c) Unless otherwise precluded by law, any case may be disposed of by stipulation, agreed settlement, consent order, or default. Any settlement must be signed by the Hearing Officer and all parties involved. The settlement agreement shall be memorialized by a report and the Hearing Officer shall enter an Order dismissing the case with prejudice.

Section 2605.290 Hearings

- a) All hearings shall be conducted by the Department at one of its locations as determined by the Department, unless otherwise agreed to by the parties and the Hearing Officer. The Department's locations are as follows:

Illinois Department of Commerce and Community Affairs
620 East Adams Street
Springfield, Illinois 62701

Illinois Department of Commerce and Community Affairs
100 W. Randolph Street, 3rd Floor
Chicago, Illinois 60601

- b) The sequence to be followed for all Administrative Hearings is as follows:
- 1) Preliminary Hearing - The purpose is to set a date on which all parties expect to be prepared and to rule on any preliminary motions that are presented. This may be eliminated by agreement of the parties and/or ordered by the Hearing Officer.
 - 2) Prehearing Conference - The purposes of the Conference are set out in Section 2605.280.
 - 3) Hearings
 - A) Preliminary Matters - Motions; attempts to narrow issues or limit evidence.
 - B) Opening Statements - The party bearing the burden of proof proceeds first.
 - C) Case in Chief - Evidence and witnesses are presented by the party bearing the burden of proof. After a witness' testimony is completed, he is subject to cross-examination.
 - D) Defense - Evidence and witnesses may be presented by the opposing party.
 - E) Closing Statements - The party bearing the burden of proof proceeds first, then the opposing party, then a final reply by the party bearing the burden of proof.
 - F) Final Decision - Described in Section 2605.410.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

Section 2605.300 Postponement or Continuance of Hearing

Upon motion by a party or the Hearing Officer, a hearing may be postponed or continued for just cause. Written notice of any postponement or continuance shall be given to all parties within a reasonable time in advance of the previously scheduled hearing date. All parties shall attempt to avoid unnecessary and repetitive postponements or continuances so that the administrative proceedings may be resolved expeditiously.

Section 2605.310 Failure to Appear

Any party failing to appear at a hearing shall waive its right to present evidence. If the Hearing Officer determines that proper notice was given, he shall grant affirmative relief to the party appearing or he shall enter an order dismissing the Petition for Hearing or Notice of Charges, with prejudice.

Section 2605.320 Burden of Proof

The burden of proof, which includes both the burden of production and the burden of persuasion, rests with the Petitioner in all cases initiated by the filing of a Petition for Hearing, and with the Department in all cases initiated by the filing of a Notice of Charges.

Section 2605.330 Standard of Proof

Unless otherwise provided by law, the standard of proof for an Administrative Hearing under this Part shall be the preponderance of the evidence. [5 ILCS 100/10-15]

Section 2605.340 Evidence

- a) Except as otherwise provided in this Section, the rules of evidence and privilege applicable to all contested cases will be the rules of evidence that are applied in civil cases in the circuit courts of the State of Illinois. In addition, the Hearing Officer may receive material, relevant evidence that would be relied upon by a reasonably prudent person in the conduct of serious affairs [5 ILCS 100/10-40] that is reasonably reliable and reasonably necessary to a resolution of the issue for which it is offered.
- b) The Hearing Officer shall exclude immaterial, irrelevant, and repetitious evidence.
- c) The Hearing Officer shall use his discretion in admitting or denying the admission of evidence.
- d) Hearsay is not admissible except where exceptions to the hearsay rule which exist in Illinois are applicable or where a statement has circumstantial guarantees or trustworthiness and if the probative value of the statement outweighs any prejudice resulting from an inability to cross-examine the declarant.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

e) Statements that are not hearsay:

- 1) Prior statement by witness. The declarant testifies at the Hearing and is subject to cross-examination concerning the statement and the statement is:
 - A) Inconsistent with his testimony that was given under oath subject to the penalty of perjury at a trial, hearing, deposition, or other proceeding; or
 - B) Consistent with his testimony and is offered to rebut an express or implied charge against him of recent fabrication or improper influence or motive; or
 - C) One of identification of a person made after perceiving him.
- 2) Admission by opposing party. The statement is offered against a party and is:
 - A) His own statement in either his individual or a representative capacity; or
 - B) A statement of which the party has manifested his adoption or belief in its truth; or
 - C) A statement by a person authorized by the party to make a statement concerning the subject; or
 - D) A statement by the party's agent or servant concerning a matter within the scope of the party's agency or employment, made during the existence of the relationship; or
 - E) A statement by a coconspirator of a party during the course and in furtherance of the conspiracy.

Section 2605.350 Business Records

- a) The rules admitting business records will be the same as those contained in Rule 236 of the Illinois Supreme Court Rules.
- b) Any party seeking to admit documents other than the originals may do so, provided the party certifies that the copy is a true and correct copy of the original. The party need not show that the original is unavailable.

Section 2605.360 Examination of Witnesses by Hearing Officer

- a) The Hearing Officer may examine any witness.
- b) A party may object to specific questions asked by the Hearing Officer, but it shall not be objectionable that a question violates a technical rule of evidence. For purposes of this Section, the rule against hearsay is a substantive, rather than a technical, rule of evidence.

Section 2605.370 Adverse Witness

- a) Any party or witness may be called as an adverse witness. Examination of the adverse witness shall be allowed as if under cross-examination.
- b) A witness called in good faith whose testimony surprises the party who called the witness may examine that party as if under

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

cross-examination, and the testimony of the witness may be impeached by prior statements.

Section 2605.380 Transcript of Hearing

An official court reporter shall be engaged by the Department to make and transcribe a stenographic record of the hearing. The Department will not provide copies of the transcript to the parties, but the parties may obtain copies from the official reporter upon payment of the appropriate costs.

Section 2605.390 Administrative Record

a) A full and complete record shall be kept of all proceedings. The record shall consist of the following:

- 1) *All pleadings* (including, but not limited to, the Petition for Hearing or Notice of Charges and any Answers);
- 2) Motions, briefs, arguments, affidavits, exhibits, documents, and records;
- 3) All evidence received;
- 4) All discovery responses;
- 5) A transcript of the hearing as well as any transcript of any proceeding applicable for appeal or for administrative review;
- 6) A statement of matters officially noticed;
- 7) Offers of proof, objections, and rulings;
- 8) Any proposed findings and exceptions;
- 9) Any order, decision, opinion, or report by the Hearing Officer;
- 10) All staff memoranda or data submitted to the Hearing Officer of the case;
- 11) Any communication prohibited by Section 10-60 of the IAPA or Section 2605.230 of this Part.

b) Oral proceedings or any part thereof shall be recorded stenographically or by other means that will adequately insure the preservation of the testimony or oral proceedings and shall be transcribed at the request of any party. The parties shall agree to the method of recording and shall share such costs equally.

c) Findings of fact shall be based exclusively on the evidence and on matters officially noticed. [5 ILCS 100/10-35]

d) The record shall not contain the following, unless a party requests that the documents be included in the record.

- 1) Cover Letters;
- 2) Notices of Filing;
- 3) Proofs of Service of Regular Mail;
- 4) Notices of Deposition; or
- 5) Discovery Requests.

e) The Department shall be the official custodian of the Administrative Record of the Administrative Hearing proceedings held before the Department.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

Section 2605.400 Proposal for Decision

Except where otherwise expressly provided by law, when in a contested case a majority of the officials of the Department who are to render the Final Decision has not heard the case or read the record, the Final Decision, if adverse to a party to the proceeding other than the Department, shall not be made until a Proposal for Decision is served upon the parties and an opportunity is afforded to each party adversely affected to file exceptions and to present a brief, and if the Department so permits, oral argument to the Department officials who are to render the Final Decision. The Proposal for Decision shall contain a statement of the reasons therefor and of each issue of fact or law necessary to the proposed decision and shall be prepared by the persons who conducted the Hearing or one who has read the record. [5 ILCS 100/10-45]

Section 2605.410 Final Decision

a) The Final Decision in a contested case shall be in writing and shall become a part of the Administrative Record. A Final Decision shall include Findings of Fact and Conclusions of Law separately stated. Findings of Fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with this Part, a party submitted proposed Findings of Fact, the Final Decision shall include a ruling upon each proposed finding. Parties or their agents appointed to receive service of process shall be notified either personally or by certified or registered mail, return receipt requested, of any decision. Upon request, a copy of the decision shall be delivered or mailed forthwith to each party and to his attorney of record.

b) All Department orders shall specify whether they are final and subject to the Administrative Review Law. [5 ILCS 100/10-50]

c) The Final Decision shall be issued in writing as soon as practicable after the Hearing is concluded, unless otherwise provided for by Statute and/or Program Rule.

d) The Final Decision may require any party to the proceeding to pay part or all of the costs of the Hearing, including but not limited to: witness fees, court reporter fees, Hearing Officer fees, and the cost of the transcript.

Section 2605.420 Administrative Review

a) Final administrative decisions of the Department are subject to review under the provisions of the Administrative Review Law [735 ILCS 5/Act.

III]. The Department shall certify the record of its administrative hearing proceedings.

c) In all cases where administrative review is sought in the Circuit

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

Court, the original certification of the Administrative Record will be filed by the Department with the Clerk of the Circuit Court. Additional copies will also be prepared by the Department and forwarded to the Attorney General. The party seeking administrative review shall bear the cost of producing the original and copies of the certified record. The cost of the record may be waived when the Department is satisfied that the party seeking review under the Administrative Review Law cannot afford to pay such costs.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Review and Appeal Procedures
- 2) Code Citation: 47 Ill. Adm. Code 10
- 3) Section Number: Adopted Action:

47.10	Repealer
47.20	Repealer
47.30	Repealer
47.40	Repealer
47.50	Repealer
47.60	Repealer
47.70	Repealer
47.80	Repealer
47.90	Repealer
47.100	Repealer
47.110	Repealer
47.120	Repealer
47.130	Repealer
- 4) Statutory Authority: Implementing Section 5-10(a)(i) and Article 10 of the Illinois Administrative Procedure Act, [5 ILCS 100/5-10(a)(i) and 10-10] (formerly Ill. Rev. Stat. 1991, ch. 27, pars 1005-10(a)(i) and 1010-5 et seq.) and authorized by Section 46.42 of the Civil Administrative Code of Illinois [20 ILCS 605/46.42] (formerly Ill. Rev. Stat. 1991, ch. 127, par. 46.42).
- 5) Effective Date of Repealer: June 13, 2000
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 23 Ill. Reg. 10907, published on September 17, 1999.
- 10) Has JCAR issued a Statement of Objection to this repealer? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes requested.
- 13) Will this repealer replace an emergency repealer currently in effect? No

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED REPEALER

- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: Currently, the Department is adopting rules (Administrative Hearing Rules, 56 Ill. Adm. Code 2605) that will govern all of the Department's programs. These new hearing rules will be more comprehensive and govern any review and hearing procedures that will take place at the Department's state agency level. Therefore, the current hearing rules must be repealed.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Ms Rava D. Bogard
Illinois Administrative Code Rules Manager
Department of Commerce and Community Affairs
620 East Adams
Springfield, IL 62701
(217) 785-6285

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Non-Academic Programs and Policies
- 2) Code Citation: 89 Ill. Adm. Code 830
- 3) Section Numbers: Adopted Action:
830.35 Amendment
- 4) Statutory Authority: Implementing Sections 10 and 11 and authorized by Section 3(f) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10,11 and 3(f)].
- 5) Effective Date of Amendments: June 13, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 28, 2000, 24 Ill. Reg. 1443
- 10) Has JCAR Issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part: No
- 15) Summary and Purpose of Amendments: Title 89, Part 830 previously provided for an activity fee at all schools of \$30 for high school students and \$20 for elementary students. The adopted changes allow the activity fees and year book costs to be established prior to the beginning of each academic year by the superintendent of each school.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Ms Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

The full text of adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER f: EDUCATION FACILITIES

PART 830
NON-ACADEMIC PROGRAMS AND POLICIES

Section	
830.10	The Taking and Using of Students' Photographs
830.15	Locally Held Funds
830.20	Needy Student Fund
830.30	Student Trust Fund
830.35	Student Activity Fees
830.40	Valuables
830.50	Health Services
830.60	Search and Seizure
830.70	Rights and Responsibilities of School Staff (Repealed)
830.80	Food and Nutrition
830.90	Safety and Sanitation
830.100	Donations
830.110	Release of Students to Authorized Individuals
830.120	Use of Motor Vehicles by Students
830.130	Student Activities Requiring Approval of Parents
830.140	Visits to State Schools
830.150	Behavior Intervention
830.160	Profit on Sales from Commissary Stores
830.170	Receipts from Athletic, Musical and Other Events
830.180	Transportation Fund
830.190	Use of Tobacco Products on State School Property

AUTHORITY: Implementing Sections 10 and 11 and authorized by Section 3(f) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10, 11 and 3(f)].

SOURCE: Adopted at 11 Ill. Reg. 15097, effective September 16, 1987; amended at 12 Ill. Reg. 14304, effective August 29, 1988; amended at 15 Ill. Reg. 6272, effective April 15, 1991; amended at 15 Ill. Reg. 17370, effective November 19, 1991; amended at 17 Ill. Reg. 6248, effective April 5, 1993; amended at 18 Ill. Reg. 14240, effective September 1, 1994; amended at 19 Ill. Reg. 15737, effective November 7, 1995; amended at 20 Ill. Reg. 15610, effective November 22, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 10220, effective August 10, 1999; amended at 24 Ill. Reg. ~~8891~~, effective ~~JUN 13/2001~~.

Section 830.35 Student Activity Fund

- a) Student activity fees and year book costs, based on program costs, may be established by the superintendent at each school prior to the

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

beginning of each academic year are ~~830-per-year-for-high-school students and 820-per-year-for-elementary-school students~~. These fees should be paid at the beginning of the school year. The Needy Student Fund is available to assist in paying a student's activity fees, in accordance with Section 830.20.

b) All student activity fees shall be placed in a locally held fund and may be spent for the special comfort, pleasure and amusement of the students. Documentation of all expenditures must be maintained.

c) These funds and the records pertaining to such funds shall be subject to audit by DHS internal auditors and by the Auditor General of the State of Illinois.

(Source: Amended at 24 Ill. Reg. 88 91 2, effective 10/13/2000)

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Commercial Fishing in Lake Michigan

2) Code Citation: 17 Ill. Adm. Code 850

3) Section Numbers: 850.50 Adopted Action: Amendment

4) Statutory Authority: Implementing and authorized by Sections 1-10, 1-80, 1-120, 1-125, 1-135, 1-150, 20-35, 20-45, 20-105 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-10, 1-80, 1-120, 1-125, 1-135, 1-150, 20-35, 20-45, 20-105 and 25-5].

5) Effective Date of Amendment: June 19, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: March 17, 2000, 24 Ill. Reg. 4025

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version: the first sentence of Section 850.50(c)(2) was changed to read as follows: When more than one license designates the same vessel under this subsection (c), only one license at a time may be fished until the entire quota under that license has been harvested.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements? Yes

13) Will this rulemaking replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Recent harvest restrictions have significantly reduced the income of licensees and, therefore, that licensee's ability to pay for vessel costs. Several license holders have requested permission to use the same vessel under each of their licenses. The proposed amendment will permit the use of the same commercial fishing vessel by more than one licensee, by allowing one licensee at a time to fish from the vessel until their quota is harvested before another

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

licensee can fish from the vessel.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 850
COMMERCIAL FISHING IN LAKE MICHIGAN

Section	
850.5	Introduction
850.10	Possession and Identification of Gear
850.20	Quota
850.25	Seasons
850.30	Restricted Commercial Fishing Areas
850.40	Limited Entry
850.50	License Eligibility and License Provisions
850.60	Application for License
850.80	Suspension or Revocation

AUTHORITY: Implementing and authorized by Sections 1-10, 1-80, 1-120, 1-125, 1-135, 1-150*, 20-35, 20-45, 20-105 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-10, 1-80, 1-120, 1-125, 1-135, 1-150, 20-35, 20-45, 20-105 and 25-5].

SOURCE: Adopted at 3 Ill. Reg. 44, P. 46, effective November 1, 1979; codified at 6 Ill. Reg. 877; amended at 6 Ill. Reg. 3846, effective March 31, 1982; amended at 7 Ill. Reg. 2711, effective March 2, 1983; amended at 8 Ill. Reg. 7220, effective May 15, 1984; emergency amendment at 9 Ill. Reg. 4854, effective April 2, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 6179, effective April 23, 1985; amended at 10 Ill. Reg. 9789, effective May 21, 1986; amended at 12 Ill. Reg. 7996, effective April 25, 1988; amended at 16 Ill. Reg. 11029, effective June 30, 1992; emergency amendment at 16 Ill. Reg. 12626, effective July 24, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 18967, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 17263, effective September 23, 1993, for a maximum of 150 days; emergency expired February 20, 1994; amended at 18 Ill. Reg. 5834, effective April 5, 1994; emergency amendment at 19 Ill. Reg. 5257, effective April 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10568, effective July 1, 1995; recodified by changing the name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 5553, effective April 19, 1997; amended at 24 Ill. Reg. ~~8845~~ ¹⁹⁷⁰⁰ ~~8845~~, effective ~~March 31, 1998~~ ^{March 31, 1998}.

Section 850.50 License Eligibility and License Provisions

Lake Michigan Commercial Fishing License commences April 1 and expires March 31 and shall be valid for a period of 3 years. To be eligible for a license to fish commercially during a given fishing license year, the applicant, license holder, must meet the following requirements:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

a) Be an individual who has actually resided in Illinois for one year immediately preceding his application for a license to be allowed to fish commercially and who does not claim residency for commercial fishing purposes in another state or country.

b) Be a corporation incorporated in Illinois for at least one year immediately preceding the application for a license to fish commercially during a given fishing year, or a corporation incorporated in Illinois by a currently licensed Lake Michigan Commercial Fisherman.

1) All stockholders of the corporations shall have been Illinois residents for at least one year immediately prior to owning any stock or interest in the corporation, and remain Illinois residents as long as they own such stock or interest.

2) Individuals licensed as Lake Michigan Commercial Fisherman who wish to place the license into corporate control must own a controlling interest in the corporation (owns or controls more than 50%) at the time of transfer. The corporations need not have been in existence for one year, but must meet all other requirements.

3) All transfer of ownership interest in the corporation must be reported to the Department within 10 days after transfer.

4) No such corporation may be wholly or partially owned by another corporation, and no individual shall own any part of more than one business entity holding a Lake Michigan Commercial Fishing License.

c) Have ownership or legal control of a vessel of at least 12 net tons as documented by the U. S. Coast Guard, showing an Illinois port of registration, having valid United States Coast Guard documentation in full force and effect, and in compliance with all State requirements established for such vessels in the Boat Registration and Safety Act [625 ILCS 45].

1) Any request for redesignation of a fishing vessel to be used by the license holder must be submitted in writing to and approved in writing by the Chief, Division of Fisheries. Approval will be granted if the requested vessel meets the U.S. Coast Guard documentation requirements and the license holder has a valid reason for redesignation, such as loss or damage of the designated vessel or purchase of another vessel. Such requests must clearly state the reasons for redesignation, and the anticipated period of use and shall be accompanied by a copy of the United States Coast Guard document for the requested vessel. Use of the vessel designated in Illinois for commercial fishing purposes in another state shall, upon verification, nullify the designated status of the vessel for commercial fishing purposes in Illinois.

2) When more than one license designates the same vessel under this subsection (c), only one license at a time may be fished until the entire quota under that license has been harvested. In

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

addition, before any licensee commences fishing, he must submit a written request to fish from the designated boat, and receive written authorization from the Chief of the Division of Fisheries.

d) Have at least 6,000 feet of properly licensed gill netting possessing a diagonal stretched mesh measurement between 2-3/8 inches through 2-3/4 inches.

e) Agree to keep accurate daily records of catch and must submit catch reports monthly to the Department by the 15th day of the following month on forms furnished by the Department (whether licensee did or did not catch fish). All monthly catch reports must be signed by the licensee or corporate chief executive officer. Failure to submit the required catch reports shall be grounds for suspension or revocation of the Lake Michigan Commercial Fishing License.

f) Submit a yearly operational plan by months clearly identifying the port from which the vessel will operate and the exact location at which all harvested fish will be transferred from the vessel to shore. Transfer of fish from the license vessel to another vessel or to shore at any other location not identified in the yearly operational plan shall be grounds for suspension or revocation of the Lake Michigan commercial fishing license.

g) Permit Department biologists and Conservation Police Officers to obtain information from fish harvested, such as lengths, weights, scale samples, sex, etc., as deemed necessary for management of Lake Michigan fish stocks.

h) License all of the commercial equipment as required by the Illinois Fish and Aquatic Life Code and this Part. A license holder shall not fish under the commercial fishing license of another person.

i) The captain of commercial fishing crews on board the vessel must be a resident of the State of Illinois in accordance with the definition in Section 1.3 of the Illinois Fish and Aquatic Life Code.

j) The licensee shall notify the Chief, Division of Fisheries, of any changes (except captain) in commercial fishing crew members in writing within 14 days after the change. Changes in captains requires prior written Department approval by the Chief, Division of Fisheries, and all such requests must be submitted in writing to the Chief, Division of Fisheries. Approval will be given if the captain meets the requirements set forth in this Section.

k) A copy of the Lake Michigan Commercial Fishing License and a current listing of the captain and designated crew must be kept on board the fishing vessel at all times during the commercial fishing operations.

1) The licensee or the designated captain of the commercial fishing crew must be on board the vessel at all times during the commercial fishing operations. The licensee shall remain responsible for all obligations owed to the State of Illinois relating to the license, whether the licensee is on board the vessel or not.

(Source: Amended at 24 Ill. Reg.

88 95

3

effective

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

JUN 19 2000

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Crow, Woodcock, Snipe, Rail and Teal Hunting
- 2) Code Citation: 17 Ill. Adm. Code 740
- 3) Section Numbers: Adopted Action:
740.20 Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987).
- 5) Effective Date of Amendments: June 19, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 31, 2000, 24 Ill. Reg. 5132
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This Part was amended to add Stielbeck Forest Natural Area, update the name of Site M to Jim Edgar Panther Creek State Fish and Wildlife Area and update site specific regulations at Carlyle Lake Wildlife Management Area, Coffeen Lake State Park and Wildlife Area and Union County Conservation Area.
- 16) Information and questions regarding these adopted amendments shall be directed to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

The full text of the adopted amendments begins on the next page:

Section 740.10 Statewide Regulations

740.20 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987).

SOURCE: Adopted at 5 Ill. Reg. 8896, effective August 25, 1981; codified at 5 Ill. Reg. 10645; amended at 6 Ill. Reg. 357, effective December 23, 1981; amended at 6 Ill. Reg. 9648, effective July 21, 1982; amended at 7 Ill. Reg. 8815, effective July 15, 1983; amended at 8 Ill. Reg. 16796, effective August 30, 1984; amended at 9 Ill. Reg. 11620, effective July 16, 1985; peremptory amendments at 9 Ill. Reg. 14383, effective September 5, 1985; amended at 10 Ill. Reg. 15607, effective September 16, 1986; amended at 11 Ill. Reg. 9575, effective May 5, 1987; emergency amendments at 11 Ill. Reg. 15253, effective August 28, 1987, for a maximum of 150 days; emergency expired on January 25, 1988; amended at 12 Ill. Reg. 12261, effective July 15, 1988; amended at 13 Ill. Reg. 12869, effective July 21, 1989; amended at 14 Ill. Reg. 11207, effective June 29, 1990; amended at 15 Ill. Reg. 10057, effective June 24, 1991; amended at 16 Ill. Reg. 11162, effective June 30, 1992; amended at 17 Ill. Reg. 10877, effective July 1, 1993; amended at 18 Ill. Reg. 9998, effective June 21, 1994; amended at 19 Ill. Reg. 10577, effective July 1, 1995; amended at 20 Ill. Reg. 10851, effective August 5, 1996; amended at 21 Ill. Reg. 9061, effective June 26, 1997; amended at 22 Ill. Reg. 14782, effective August 3, 1998; amended at 23 Ill. Reg. 9033, effective July 28, 1999; amended at 24 Ill. Reg. 8901, effective JUN 19 2000.

Section 740.20 Regulations at Various Department-Owned or -Managed Sites

- a) All the rules in 17 Ill. Adm. Code 510 apply in this Section, unless this Section is more restrictive.
- b) Woodcock, snipe and rail hunting; statewide regulations as provided for in this Part shall apply at the following areas (exceptions are in parentheses):

Anderson Lake Conservation Area (closed 7 days before duck season)

Big Bend State Fish and Wildlife Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Big River State Forest

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers managed lands

Carlyle Lake Wildlife Management Area (sub-impoundment area closes 7 days prior to the southern zone waterfowl season)

Crawford County Conservation Area

Cypress Pond State Natural Area

Dog Island Wildlife Management Area

Eldon Hazlet State Park (North of Allen Branch and west of Peppenhorst Branch only)

Ferne Clyffe State Park

Ft. de Chartres Historic Site (hunting with muzzle loading shotgun only)

Ft. Massac State Park

Giant City State Park

Hamilton County Conservation Area (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Horsehoe Lake Conservation Area (public hunting area except controlled goose hunting area)

I-24 Wildlife Management Area

Iroquois County Wildlife Management Area (season closes the day before permit pheasant season; 4:00 p.m. daily closing; sign in/out required)

Jubilee College State Park (season coincides with Jubilee Upland season, 17 Ill. Adm. Code 530.110)

Kankakee River State Park (woodcock only; during the controlled pheasant hunting season, hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110 which pertain to Kankakee River State Park)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to waterfowl season)

Kinkaid Lake Fish and Wildlife Area

Marseilles Wildlife Area (woodcock only; Monday - Thursday only through October)

Mermet Lake Fish and Wildlife Area

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 16, 17, and 18

Mississippi River Pools 21, 22 and 24

Oakford Conservation Area

Panther Creek Conservation Area

Peabody River King State Fish and Wildlife Area (West subunit only; woodcock only)

Pyramid State Park

Ramsey Lake State Park (statewide hours until rabbit season begins; then 8:00 a.m. - 4:00 p.m.)

Randolph County Conservation Area (woodcock only)

Ray Norbut State Fish and Wildlife Area (all hunting closes December 15 in Eagle Creek Roost Area)

Red Hills State Park (statewide hours until rabbit season, then 8:00 a.m. - 4:00 p.m.)

Rend Lake Project Lands and Waters

Rice Lake Wildlife Area (season open during teal season only; sunrise until 1:00 p.m.)

Saline County Fish and Wildlife Area

Sam Dale Lake Conservation Area (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Sam Parr State Park (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Sand Ridge State Forest (During the controlled pheasant hunting season, hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110 which pertain to Sand Ridge State Forest)

Sielbeck Forest Natural Area

Snake Den Hollow Fish and Wildlife Area/Victoria Pheasant Habitat Area (closes September 30)

Stephen A. Forbes State Park (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Tapley Woods State Natural Area (closed during firearm deer season)

Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Union County Conservation Area (Firing Line Management Area only)

Washington County Conservation Area (woodcock only)

Weinberg-King State Park

Wildcat Hollow State Forest

c) Woodcock, snipe and rail hunting permitted, exceptions as noted in parentheses. Hunters must obtain a permit from site office and permit must be in possession while hunting. Failure to report harvest by February 15 will result in loss of hunting privileges at that site for the following year.

Chauncey Marsh

Clinton Lake State Recreation Area (4:00 p.m. daily closing)

East Conant Field (open only to hunters possessing a valid quality upland permit for the area)

Fox Ridge State Park (woodcock only; 4:00 p.m. daily closing)

Harry "Babe" Woodyard State Natural Area (woodcock only; closes October 31)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Hidden Springs State Forest (4:00 p.m. daily closing)

Jim Edgar Panther Creek State Fish and Wildlife Area (hunters are restricted to the Open Unit portion of the site during the controlled pheasant season, except those hunters who possess a valid Quality Unit upland permit)

Kickapoo State Park (woodcock only; 4:00 p.m. daily closing; closed during firearm deer season)

Lake Shelbyville - Eagle Creek State Park (woodcock only; 4:00 p.m. daily closing; closes opening day of site's pheasant season)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Area (4:00 p.m. daily closing)

Middle Fork Fish and Wildlife Area (woodcock only; 4:00 p.m. daily closing; closed during firearm deer season)

Moraine View State Park (woodcock only; 4:00 p.m. daily closing; season closes the day before site's controlled pheasant season)

Newton Lake Fish and Wildlife Area (woodcock only; closed during firearm deer season)

Sanganois State Fish and Wildlife Area

Sato Field (open only to hunters possessing a valid quality upland permit for the area)

~~Site--M--(hunters--are--restricted--to--the--Open--Unit--portion--of--the--site--during--the--controlled--pheasant--season--except--those--hunters--who--possess--a--valid--quality--unit--upland--permit)~~

Ten Mile Creek Fish and Wildlife Area (non-toxic shot only for woodcock hunting in waterfowl rest areas)

d) Teal hunting; statewide regulations as provided for in this Part shall apply on the following sites, except no permanent blinds allowed except as authorized in 17 Ill. Adm. Code 590.15, 590.20, 590.40 and 590.50 (exceptions are in parentheses):

Anderson Lake Conservation Area

Blanding Wildlife Area

Cache River State Natural Area

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

come-first served basis; cutting of vegetation is prohibited)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Areas (site permit described in subsection (c) applies)

Lake Shelbyville - Corps of Engineers Managed Lands and Waters

Lake Simmsissippi Conservation Area

Marshall State Fish and Wildlife Area - all management units

Mississippi River Fish and Waterfowl Management Area (Mississippi River Pools 25 and 26) (blind builders must claim their blinds one-half hour before shooting time or the blind is open for that day's hunt)

Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22 and 24

Oakford Conservation Area

Ray Norbut Fish and Wildlife Area

Rend Lake Project Lands and Waters

Rice Lake Fish and Wildlife Area (check in and check out required; sunrise until 1:00 p.m.)

Saline County Fish and Wildlife Area

Sanganois State Fish and Wildlife Area (permit required)

Snake Den Hollow Fish and Wildlife Area/Victoria Pheasant Habitat Area

Stephen A. Forbes State Park (walk-in hunting in the subimpoundment only)

Ten Mile Creek State Fish and Wildlife Area (permit required)

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area (public hunting area and firing line unit only)

Woodford Fish and Wildlife Area

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers managed lands (waters of Peppenhorst Branch and Allen Branch north of the buoys only)

Carlyle Lake Wildlife Management Area (teal hunting prohibited east of Kaskaskia River from the Cox's Bridge Access north to IDNR property boundary)

Chain O'Lakes State Park (hunting is allowed only from numbered blind sites; the blinds need not be completed)

Chauncey Marsh (permit required)

Coffeen Lake State Fish and Wildlife Area (hunters must sign in prior to hunting and sign out reporting harvest at the end of each day; obtain free permit from site office prior to hunting; hunters must return the permit and report harvest by February 15 of the following year or hunting privileges for the following season will be forfeited; hunting from staked sites only; no permanent blinds; hunting by boat access only; no cutting vegetation on site; hunting north of railroad tracks only; hunting hours from legal opening to 9 a.m.; fishing allowed between the railroad tracks and the county road after 10 a.m.; four hunters per blind site; all hunters must be checked out at sign-in box by 10 a.m.)

Des Plaines Conservation Area (hunting is allowed only from numbered blind sites; the blinds need not be completed)

Dog Island Wildlife Management Area

Ft. de Chartres Historic Site (hunting is allowed from anchored, portable boat blinds only)

Horseshoe Lake State Park (Madison County) (hunting is allowed only from numbered blind sites; blind builders must claim their blinds 1/2 hour before shooting time each day or blind is open to the public; blinds need not be completed)

Horseshoe Lake Conservation Area - Public Hunting Area (Alexander County)

Kaskaskia River State Fish and Wildlife Area

Kidd Lake State Natural Area (hunters must check in and out and report harvest each day; hunter quota filled on a first

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

e) Crow Hunting

- 1) Statewide regulations as provided for in this Part shall apply at the following sites (season dates in parentheses):

Mississippi River Pools 16, 17, 18

Panther Creek Conservation Area

Ray Norbut Fish and Wildlife Area

Sanganois State Fish and Wildlife Area (July 1 through August 15; day after goose season closes through March 1; non-toxic shot only; permit required)

- 2) Statewide regulations as provided for in this Part shall apply except hunting is permitted only during the second portion of the season at the following sites (season dates in parentheses):

Anderson Lake Conservation Area

Big Bend State Fish and Wildlife Area

Big River State Forest

Green River State Wildlife Area (January 1 - statewide closing)

- 3) All hunters must make a reasonable effort to retrieve downed birds. All crows must be removed from the site by the hunter.

(Source: Amended at 24 Ill. Reg. 89 01, effective 01/19/2000)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Dove Hunting

- 2) Code Citation: 17 Ill. Adm. Code 730

- 3) Section Numbers: 730.20
Adopted Action: Amendments

- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].

- 5) Effective Date of Amendments: June 19, 2000

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? No

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: April 7, 2000, 24 Ill. Reg. 5817

- 10) Has JCAR issued a Statement of Objections to these amendments? No

- 11) Differences between proposal and final version: None

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency amendment currently in effect?
No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: Amendments to this Part open and close sites to hunting and add site specific regulations.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 730
DOVE HUNTING

Section
730.10 Statewide Regulations
730.20 Regulations at Various Department-Owned or -Managed Sites
730.30 Youth and Youth/Adult Dove Hunts at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code (520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11).

SOURCE: Adopted at 5 Ill. Reg. 8792, effective August 25, 1981; codified at 5 Ill. Reg. 10644; amended at 6 Ill. Reg. 9631, effective July 21, 1982; emergency amendment at 6 Ill. Reg. 10040, effective August 2, 1982, for a maximum of 150 days; emergency expired December 30, 1982; amended at 7 Ill. Reg. 10767, effective August 24, 1983; emergency amendment at 7 Ill. Reg. 10999, effective August 24, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 13680, effective July 25, 1984; amended at 9 Ill. Reg. 11601, effective July 16, 1985; emergency amendment at 9 Ill. Reg. 14025, effective September 4, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 15590, effective September 16, 1986; amended at 11 Ill. Reg. 9526, effective May 5, 1987; amended at 11 Ill. Reg. 11346, effective June 10, 1987; amended at 12 Ill. Reg. 12186, effective July 15, 1988; amended at 13 Ill. Reg. 10513, effective June 15, 1989; amended at 14 Ill. Reg. 11193, effective June 29, 1990; amended at 15 Ill. Reg. 9951, effective June 24, 1991; amended at 16 Ill. Reg. 11041, effective June 30, 1992; amended at 17 Ill. Reg. 10761, effective July 1, 1993; amended at 18 Ill. Reg. 10009, effective June 21, 1994; amended at 19 Ill. Reg. 10588, effective July 1, 1995; amended at 20 Ill. Reg. 10861, effective August 5, 1996; amended at 21 Ill. Reg. 11700, effective August 12, 1997; amended at 22 Ill. Reg. 14792, effective August 3, 1998; amended at 23 Ill. Reg. 9043, effective July 28, 1999; amended at 24 Ill. Reg. 8911, effective JUN 16 2000.

Section 730.20 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and trapping apply in this Section, unless this Section is more restrictive.
- b) General Regulations
 - 1) Hunters shall possess only bismuth or lead shot size #7 1/2, 8, 9 or size #6 steel or smaller for taking of doves, except as noted under subsection (b)(2), and except these restrictions do not apply during the November portion of dove season.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 2) Only non-toxic shot (as defined by the U.S. Fish and Wildlife Service in 50 CFR 20), #6 steel shot or #7 1/2 bismuth shot or smaller may be possessed on the following areas:

Anderson Lake Conservation Area

Banner Marsh Fish and Wildlife Area

Big Bend State Fish and Wildlife Area (#)

Cache River State Natural Area

Carlyle Lake Wildlife Management Area (subimpoundments only)

Chain O'Lakes State Park

Eldon Hazlet State Park

Green River State Wildlife Area

Hennepin Canal Parkway State Park

Horseshoe Lake Conservation Area (Alexander County)

Horseshoe Lake State Park (Madison County)

Johnson-Sauk Trail State Park

Kaskaskia River State Fish & Wildlife Area (designated areas)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Areas (waterfowl management units and designated non-toxic shot units only)

Maitino State Fish and Wildlife Area

Mississippi River State Fish and Wildlife Area (Pools 25 and 26)

Peabody River King State Fish and Wildlife Area

Rend Lake Project Lands and Waters

Sand Prairie Habitat Area

Sanganois State Fish and Wildlife Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Sangchris Lake State Park

Shabbona Lake State Park

Snake Den Hollow State Fish and Wildlife Area

Ten Mile Creek Fish & Wildlife Area (areas posted as rest area on the Eads Mine and Belle River Units)

Union County Conservation Area

Wayne-Pittsgerrell-State-Recreation-Area

- 3) On areas where hunters are required to hunt from marked or staked sites, hunters must hunt within 10 feet of the marked site.

- 4) No hunting is allowed within 100 yards of a designated dove management field except for hunters who are part of the hunter quota for that field.

- 5) At sites indicated by (#), hunters are required to check in and/or sign out as provided for in 17 Ill. Adm. Code 510.

- 6) At sites where additional regulations apply, they are noted in parentheses after the site name.

- 7) Hunting hours and hunting dates at all sites that are open during the upland game season shall coincide with hunting hours and hunting dates listed for the respective sites listed in 17 Ill. Adm. Code 530.

- c) Statewide season regulations as provided for in this rule shall apply at the following sites:

Argyle Lake State Park (season opens day after Labor Day)(#)

Bradford Pheasant Area (permit required)

Cache River State Natural Area (#)

Campbell Pond Wildlife Management Area (#)

Carlyle Lake Lands and Waters - Corps of Engineers managed lands (#)

Chauncey Marsh (permit required; may be obtained at Red Hills State Park headquarters; permits must be returned by 15 February)

Cypress Pond State Natural Area (#)

Dog Island Wildlife Management Area (#)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

East Conant Field (permit required; must be returned by February 15)

Ferne Clyffe State Park (#)

Ft. de Chartres State Historic Site (muzzleloading shotgun only) (#)

Ft. Massac State Park (#)

Freeman Mine (permit required)

Hallsville Habitat Area (permit required)

~~Harry--Babe--Woodyard-State-Natural-Area--(permit-required)~~

Herschel Workman Habitat Area (permit required)

Horseshoe Lake Conservation Area (season closes at the end of the first statewide split season) (#)

Hurricane Creek Habitat Area (permit required)

Manito Pheasant Habitat Area (permit required)

Maytown Habitat Area (permit required)

Mazonia State Fish and Wildlife Area (season closes September 30) (#)

Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22, 24

Oakford Conservation Area

Panther Creek Conservation Area (#)

Perdueville Habitat Area (permit required)

Rend Lake Project Lands and Waters (#)

Sand Ridge State Forest (#)

Sangamon County Conservation Area

Sato Field (permit required; must be returned by February 15)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Saybrook Habitat Area (permit required)

Sielbeck Forest Natural Area (#)

Steward Habitat Area (permit required)

Tapley Woods State Natural Area (#)

Ten Mile Creek State Fish and Wildlife Area (permit required; must be returned by February 15)

Trail of Tears State Forest (#)

Wildcat Hollow State Forest

d) Statewide regulations as provided in this Part shall apply at the following sites except that hunting hours are 12 noon to 5 p.m. daily September 1-5; season closes September 30. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Banner Marsh Fish and Wildlife Area (#)

Hennepin Canal State Park (#)

Iroquois County Wildlife Management Area (#)

Johnson Sauk Trail State Park (#)

Matthiessen State Park (#)

Mantino Fish and Wildlife Area (#)

Morrison Rockwood State Park (#)

Pyramid State Park (#)

Sanganois State Fish and Wildlife Area

Snake Den Hollow Fish and Wildlife Area (#)

Victoria Pheasant Habitat Area (#)

e) Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are 12 noon to 5 p.m. daily September 1-5. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Anderson Lake Conservation Area (#)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Big Bend State Fish and Wildlife Area

Big River State Forest (#)

Carlyle Lake Wildlife Management Area (#)

Chain O'Lakes State Park (closes September 5) (#)

Clinton Lake State Recreation Area (dove management fields only) (#)

Eldon Hazlet State Park (closes October 14) (#)

Fox Ridge State Park (dove management fields only)

Giant City State Park (#)

Harry "Babe" Woodyard State Natural Area (permit required) (#)

Hidden Springs State Forest (dove management fields only)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closes October 14) (#)

Kinkaid Fish and Wildlife Area (#)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Areas (dove management fields only)

Marseilles Wildlife Area (After Labor Day, site is closed on Fridays, Saturdays, and Sundays through October) (#)

Middle Fork Fish and Wildlife Management Area (dove management fields only) (#)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Moraine View State Park (dove management fields only; season closes October 14) (#)

Newton Lake Fish and Wildlife Area (dove management units) (#)

Peabody River King State Fish and Wildlife Area (east subunit closes October 14) (#)

Randolph County State Conservation Area (#)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Ray Norbut State Fish and Wildlife Area (#)

Turkey Bluffs State Fish and Wildlife Area (#)

Union County State Fish and Wildlife Area (season closes at the end of the first statewide split season October-14) (#)

Washington County Conservation Area (closes October 14) (#)

Weinberg-King State Park (#)

f) Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are 12 noon to 5 p.m. daily September 1-30. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Crawford County State Fish and Wildlife Area (#)

Hamilton County State Fish and Wildlife Area (#)

Horseshoe-Lake-State-Conservation-Area-({#})

I-24 Wildlife Management Area (#)

Lake Le Aqua Na State Park (#)

Mermet Lake State Fish and Wildlife Area (#)

Mt. Vernon Game Propagation Center (#)

Newton-lake-Fish-and-Wildlife-Area-(dove-management-units)-({#})

Ramsey Lake State Park (#)

Red Hills State Park (#)

Saline County State Fish and Wildlife Area (#)

Sam Dale Lake Conservation Area (#)

Sam Parr State Park (#)

Stephen A. Forbes State Park (season opens day after Labor Day) (#)

Jubilee College State Park (#)

Shabbona Lake State Park (#)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Siloam Springs State Park (#)

Wayne-Pittenger-Il-State-Recreation-Area--(season-opens--day--after Labor-Day)--(closes-September-30)

- g) Statewide regulations apply except that hunting hours are 12 noon to 5 p.m. from September 1-5; hunters must obtain a free permit from the Department; permits must be in possession while hunting on the site. Permit must be returned and harvest reported by February 15 or hunter will forfeit hunting privileges for that site for the following season.

Clinton Lake State Recreation Area (except dove management fields)

Coffeen-Lake-State-Fish-and-Wildlife-Area

Fox Ridge State Park (except dove management units; shooting hours after September 3 are 12 noon to sunset)

Hidden Springs State Forest (except dove management fields; shooting hours after September 5 are 12 noon to sunset)

Kickapoo State Park

Lake Shelbyville - Eagle Creek State Park (season opens day after Labor Day; closes October 14; shooting hours are 12 noon to sunset)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Areas (except dove management fields; shooting hours after September 5 are 12 noon to sunset)

Middle Fork Fish and Wildlife Area (except dove management units)

Moraine View State Park (except dove management fields; season closes October 14)

Newton Lake Fish and Wildlife Area (except dove management units)

h) Permit Areas

1) Permit Season Regulations

- A) Permit season dates shall be September 1-5 and hunting hours are 12 noon to 5:00 p.m. at the sites listed at the end of this subsection.
B) Permit Applications
Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

reservation will be publicly announced. Applicants making reservations will be sent confirmation. Up to 6 reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted; further, persons attempting to make multiple reservations will forfeit the privilege to obtain a reservation for that season.

- C) Each person may apply for only one area and receive one permit per season. An applicant may reapply only if his previous application was unsuccessful.
- D) Hunting at these areas is by special permit only for the first five days of the season; thereafter, no permits are required for hunting these sites, except at Jim Edgar Panther Creek State Fish and Wildlife Area State-W as indicated in subsection (h)(3). All permits will be issued from Springfield and not from the site, except at Panther Creek State Fish and Wildlife Area State-W as indicated in subsection (h)(3).
- E) Check in time for registration shall be between 9 a.m. and 11 a.m. each day. Openings after 11 a.m. will be filled by drawing for standbys if more hunters register than there are vacancies.
- F) All hunters must wear a DNR issued backpatch.
- 2) Non-Permit Season Regulations
- A) Non-permit season shall be September 6-30 except as indicated in parentheses.
- B) Non-permit hunting hours shall be 12 noon - sunset except as indicated in parentheses.
- C) No permits are required except as indicated in parentheses.
- D) Check in and check out is required except as indicated in parentheses.
- E) Hunter quotas will be filled on a first come-first served basis.

3) Sites

Des Plaines Conservation Area (non-permit hunting hours are 12 noon - 5 p.m.)

Edward R. Madigan State Park

Green River State Wildlife Area/Sand Prairie Habitat Area (non-permit hunting hours are sunrise - sunset)

Horseshoe Lake State Park (Madison County) (non-permit hunting hours are 12 noon - 5 p.m.)

Jim Edgar Panther Creek State Fish and Wildlife Area (non-permit season closes with statewide dove season)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

closing; non-permit season is governed by statewide regulations; permit required as indicated in subsection (g) above; on the Controlled Unit only those hunters engaged in the controlled pheasant hunting program may take doves during the November portion of the dove season; on the Quail Management Unit only those hunters with Quail Management Unit permits may take doves during the November portion of the dove season)

Kankakee River State Park

Mackinaw River State Fish and Wildlife Area (non-permit hunting hours 12 noon to 5 p.m.)

Sangchris Lake State Park (closed after Sunday of the third weekend in September)

Silver Springs State Park (closed during National Hunting and Fishing Day Weekend)

Site-M (non-permit season--closed with statewide dove season closing; non-permit season--is governed by statewide regulations; permit required as indicated in subsection (g) above; on the Controlled Unit only those hunters engaged in the controlled pheasant hunting program may take doves during the November portion of the dove season; on the Quail Management Unit only those hunters with Quail Management Unit permits may take doves during the November portion of the dove season)

(Source: Amended at 24 Ill. Reg. 8911, effective JUN 19 2000)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: General Hunting and Trapping on Department-Owned or -Managed Sites

2) Code Citation: 17 Ill. Adm. Code 510

3) Section Numbers: Adopted Action: Amendments 510.10

4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-515].

5) Effective Date of Amendments: June 19, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: March 17, 2000, 24 Ill. Reg. 4031

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements? Yes

13) Will this rulemaking replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: These amendments are being made to make a minor change to the alcohol restriction to prohibit the possession of alcoholic beverages in the field, not just consumption.

16) Information and questions regarding these adopted amendments shall be directed to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 510

GENERAL HUNTING AND TRAPPING ON
DEPARTMENT-OWNED OR -MANAGED SITES

Section

510.10 General Site Regulations

510.20 Hunting and Trapping by Special Permit

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-515].

SOURCE: Adopted at 5 Ill. Reg. 8011, effective July 24, 1981; codified at 5 Ill. Reg. 10633; amended at 6 Ill. Reg. 9637, effective July 21, 1982; amended at 7 Ill. Reg. 10775, effective August 24, 1983; amended at 8 Ill. Reg. 13700, effective July 24, 1984; amended at 9 Ill. Reg. 11610, effective July 16, 1985; amended at 10 Ill. Reg. 15597, effective September 16, 1986; amended at 11 Ill. Reg. 9535, effective May 5, 1987; amended at 12 Ill. Reg. 11724, effective June 30, 1988; amended at 13 Ill. Reg. 10583, effective June 19, 1989; amended at 14 Ill. Reg. 14762, effective September 4, 1990; amended at 15 Ill. Reg. 9966, effective June 24, 1991; amended at 16 Ill. Reg. 11064, effective June 30, 1992; amended at 17 Ill. Reg. 10775, effective July 1, 1993; amended at 19 Ill. Reg. 10608, effective July 1, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 14804, effective August 3, 1998; amended at 24 Ill. Reg. 8923, effective JUN 19 2000.

Section 510.10 General Site Regulations

a) Regulations

All the regulations cited in this Part apply to all Department species rules, unless the species rule is more restrictive.

b) Definitions:

- 1) Unauthorized person - any individual who is not a Department employee or an individual who is not present for the purpose of hunting or trapping.
- 2) Designated area - a defined location at a site with a set boundary within which only a specified recreational activity such as hunting or trapping may take place during a publicly announced time period.
- 3) Hunting/Trapping area - any portion of a site where actual

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

hunting and/or trapping takes place. It does not include places such as parking lots, check stations, pavilions, or picnic areas associated with a hunting/trapping area.

4) Restricted area - a defined location at a site with a set boundary within which hunting and/or trapping is prohibited.

5) Refuge area - a defined location at a site with a set boundary within which no public activity or presence is allowed, except as authorized by the Department when it is determined that activity such as nature studies, hiking, fishing or camping would not be detrimental to the purpose of the refuge.

6) Adult - a person 18 years of age or older.

7) Waterfowl rest area - a defined location at a site with a set boundary within which no public activity or presence is allowed for a specified period of time, except as authorized by the Department.

8) Hunter or trapper quota - The maximum number of hunters or trappers that can be accommodated at a site at any one time. Hunter and trapper quotas are determined by the formula of one hunter or trapper per 10-40 huntable acres. The number of huntable acres is determined by, but not limited to, the biological studies on the number of available animals within a species, the condition, topography and configuration of the land at the site, the condition of the roads at the site and the number of employees available to work at the site.

9) Publicly announced - The information referred to will be included on the Department's Internet Home Page at <http://dnr.state.il.us>, published in Outdoor Illinois, provided to outdoor writers for newspapers, and placed on the Department's Toll Free Hotline.

c) It shall be unlawful:

- 1) For any person to possess consume any alcoholic beverage while in any hunting/trapping area on any site for the purpose of hunting or trapping.
- 2) To hunt or trap on any site with a manned check station without first declaring game killed on a previous hunt and in possession either on the hunter's person or in his vehicle.
- 3) To construct or use any tree stand using nails, screws or any device which pierces or cuts the bark of the tree on which it is installed.
- 4) To hunt or trap in a restricted area.
- 5) For unauthorized persons to use or occupy in any manner designated hunting areas during the permit dove hunting season and controlled pheasant hunting season at sites holding such seasons, or during any hunting season where such restrictions are so posted at the site, when authorized hunting is in progress.
- 6) To enter a refuge, restricted area or waterfowl rest area unless authorized by the Department.
- 7) To hunt or trap on any Department-owned or -managed land that is

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

not a designated area pursuant to applicable species rules (17 Ill. Adm. Code 530, 550, 570, 590, 650, 660, 670, 680, 690, 710, 715, 720, 730, and 740).

8) To buy, sell or commercialize hunting or trapping rights, directly or indirectly, except that this does not apply to Department of Natural Resources hunting or trapping fees or to the operation of controlled pheasant hunting on Department lands pursuant to a written concession agreement.

9) To hunt or trap without a valid permit where permits are required.

10) To hunt with any weapon except shotgun or bow and arrow unless otherwise specified.

d) Specific Management Procedures

1) Specific management procedures will be posted at either check stations or site parking lots at the site so the procedures will be visible to the public.

2) Where there is a check station in operation, or where designated, hunters must sign in and/or sign out, and report their kill within fifteen minutes, or as posted, after completing their hunt. Some areas require the wearing of a back patch and depositing hunting license (or Firearm Owner's Identification card if the hunter is exempt from buying a license).

3) In the event that Department budget reductions or site staffing reductions make the operation of check stations impractical, State sites that now require check stations and other restrictive hunter regulations may be opened to statewide regulations or closed to hunting by posting such notice at the site.

4) At sites where windshield permits are issued, such permits must be displayed in a location visible through the windshield of the vehicle while hunting.

5) Department will have the authority to issue site specific deer permits in addition to any other deer permits issued by the Department (see Parters 650, 660, 670 and 680); and to designate the sex of deer (antlered or antlerless) that hunters may harvest through site-specific regulations.

6) All hunter or trapper quotas are filled on a first come-first served basis unless a drawing or special permit is used. The Department shall use a special permit or drawing whenever past hunter or trapper participation at a particular site reveals that the demand exceeds the quota established by the Department. Hunters or trappers will be notified as expeditiously as possible through site postings, news releases or public announcements when quotas are established.

7) During pheasant, rabbit, quail and partridge season, hunters and trappers are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches while trapping or hunting pheasant, quail, Hungarian partridge, rabbit, snipe, rail and woodcock.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 24 Ill. Reg. 8923 - effective
JUN 19 2000)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver and Woodchuck (Groundhog) Trapping
- 2) Code Citation: 17 Ill. Adm. Code 570
- 3) Section Numbers: Adopted Action:
570.20 Amendment
570.30 Amendment
570.40 Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].
- 5) Effective Date of Amendments: 6/19/00
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 31, 2000, 24 Ill. Reg. 5142
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements? Yes
- 13) Will this rulemaking replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part is being amended to extend the trapping seasons for raccoon, opossum, red fox, gray fox, coyote, and badger and add new sites and site specific requirements.
- 16) Information and questions regarding these adopted amendments shall be directed to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Jack Price

Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 570

MUSKRAT, MINK, RACCOON, OPOSSUM, STRIPED SKUNK, WEASEL,
RED FOX, GRAY FOX, COYOTE, BADGER, BEAVER AND WOODCHUCK (GROUNDHOG)
TRAPPING

Section

570.10 Statewide Zones

570.20 Statewide Season Dates

570.30 Statewide Hours, Daily Limit and Possession Limit

570.35 Use of .22 Rimfire Rifles by Trappers During Deer Gun Season

570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 9767, effective September 17, 1981; codified at 5 Ill. Reg. 10637; amended at 6 Ill. Reg. 10709, effective August 20, 1982; amended at 7 Ill. Reg. 10778, effective August 24, 1983; amended at 8 Ill. Reg. 21589, effective October 23, 1984; amended at 9 Ill. Reg. 15864, effective October 7, 1985; amended at 10 Ill. Reg. 16644, effective September 24, 1986; amended at 12 Ill. Reg. 12034, effective July 7, 1988; emergency amendments at 12 Ill. Reg. 16261, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 10589, effective June 15, 1989; amended at 14 Ill. Reg. 19854, effective December 3, 1990; amended at 15 Ill. Reg. 11586, effective August 2, 1991; amended at 16 Ill. Reg. 11069, effective June 30, 1992; amended at 17 Ill. Reg. 10785, effective July 1, 1993; amended at 17 Ill. Reg. 18796, effective October 19, 1993; amended at 18 Ill. Reg. 10077, effective June 21, 1994; amended at 19 Ill. Reg. 12640, effective August 29, 1995; amended at 20 Ill. Reg. 12351, effective August 30, 1996; amended at 21 Ill. Reg. 9070, effective June 26, 1997; amended at 22 Ill. Reg. 14809, effective August 3, 1998; amended at 23 Ill. Reg. 9055, effective July 28, 1999; amended at 24 Ill. Reg. 8929, effective 10/19/2000.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses and subscript are denoted by brackets.

Section 570.20 Statewide Season Dates

a) Muskrat, mink, raccoon, opossum, striped skunk and weasel

1) Northern Zone: November 5 through the next following January 15th.

2) Southern Zone: November 10 through the next following January

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

2015.

- b) Red fox, gray fox, coyote and badger
Statewide: November 10 through the next following January 2015.
- c) Beaver
1) Northern Zone: November 5 through the next following March 31, except those portions of Carroll, Whiteside, and Rock Island counties lying west of Illinois Rt. 84 from Interstate 80 north to the Jo Daviess County line will be open to beaver trapping only from November 10 through the next following January 5, inclusive.
2) Southern Zone: November 10 through the next following March 31.
- d) Woodchuck (Groundhog)
Northern and Southern Zones: June 1 through the next following September 30.

(Source: Amended at 24 Ill. Reg. 8929 effective JUN 19 2000.)

Section 570.30 Statewide Hours, Daily Limit and Possession Limit

- a) Muskrat, mink, raccoon, opossum, striped skunk and weasel
1) Trapping hours: November 5 in the Northern Zone and November 10 in the Southern Zone open for trapping at sunrise; January 15¹⁰ closed for trapping after sunset except those portions of Carroll, Whiteside and Rock Island Counties lying west of Illinois Rt. 84 from Interstate 80 north to the Jo Daviess County line, are closed for trapping January 10 after sunset; otherwise, hours are unrestricted.
- 2) Daily and possession limit: None
- b) Red fox, gray fox and coyote
1) Trapping hours: November 10 open for trapping at sunrise; January 2015 closed for trapping after sunset; otherwise, hours are unrestricted.
- 2) Daily and possession limit: None
- c) Beaver
1) Trapping hours: November 5 in the Northern Zone and November 10 in the Southern Zone open for trapping at sunrise; March 31 closed for trapping after sunset except those portions of Carroll, Whiteside and Rock Island Counties lying west of Illinois Rt. 84 from Interstate 80 north to the Jo Daviess County line, are closed for trapping January 10 after sunset; otherwise, hours are unrestricted.
- 2) Daily and possession limit: None
- d) Woodchuck (groundhog)
1) Trapping hours: June 1 open for trapping at sunrise; September 30 closed for trapping after sunset; otherwise hours are unrestricted.
- 2) Daily and possession limit: None
- e) Badger
1) Trapping hours: November 10 open for trapping at sunrise; January 2015 closed for trapping at sunset; otherwise hours are

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- unrestricted.
2) Daily and possession limit: not to exceed two badgers per season in the northern zone and one badger per season in the southern zone.

(Source: Amended at 24 Ill. Reg. 8929 effective JUN 19 2000.)

Section 570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites

- a) General Regulations
1) All the regulations in 17 Ill. Adm. Code 510--General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
2) On areas where special Department tags are required for trappers, traps without tags attached will be subject to confiscation.
3) Trappers must stay within assigned areas.
4) For sites where permits are required a drawing shall be held prior to the opening of the season. The date of the drawing shall be announced by the Department by public announcement and the drawing shall be held at the site. Persons participating in the drawing must have either a current or previous year trapping license. The number of permits per site shall be determined pursuant to 17 Ill. Adm. Code 510.20. Permit applicants must submit name and address to the site prior to drawing. Permits must be in possession while trapping on the area.
5) All sites except Blanding Wildlife Area, Kinkaid Lake Fish and Wildlife Area, Mississippi River Pools 16, 17, 18, 21, 22, 24, and Rend Lake Wildlife Management Area require trappers to submit a harvest report to the site superintendent within 20 days following the close of the trapping season. Failure to report shall result in the trapper being ineligible to trap at that site for the following year.
6) Body-gripping traps with a 10-inch jaw spread or larger must be totally submerged in water when set.
7) Any person who violates the site specific regulations shall be guilty of a Class B Misdemeanor.
8) No trapping is permitted in subpondments or designated waterfowl management units during duck season.
- b) Statewide regulations as provided for in this Part apply at the following sites (exceptions in parentheses):
Blanding Wildlife Area (trapping area includes the islands and associated backwater sloughs immediately upstream from Lock and Dam 12; no trapping on mainland)
Kinkaid Lake Fish and Wildlife Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Mississippi River Pools 16, 17, 18, 21, 22, 24
 Pyramid State Park (water sets only)
 Ray Norbut State Fish and Wildlife Area (all trapping closes
 December 15 in Eagle Roost Area)
 Rend Lake Project Lands and Waters (water sets only)
 Siesbeck Forest Natural Area (water sets only)
 Siloam Springs State Park

c) Statewide regulations as provided for in this Part apply at the following sites; in addition, a permit is required; only Egg Traps (Registered Trademark), D-P (Dog-Proof) Traps (Registered Trademark), box traps, cage traps, and traps of similar design may be used for land sets (exceptions in parentheses):

Cache River State Natural Area
 Carlyle Lake Lands and Waters - Corps of Engineers Managed Lands
 Carlyle Lake Wildlife Management Area
 Clinton Lake Recreation Area
 Coffeen Lake State Fish and Wildlife Area
 Cypress Pond State Natural Area
 Dog Island Wildlife Management Area
 East Conant Field
 Eldon Hazlet State Park - north of Allen Branch and west of Peppenhorst Branch only
 Ferne Clyffe State Park - Cedar Draper Bluffs Hunting Area
 Fort de Chartres Historic Site
 Harry "Babe" Woodyard State Natural Area
 Horseshoe Lake Conservation Area
 I & M Canal State Park

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Jim Edgar Panther Creek State Fish and Wildlife Area (only Egg Traps (Registered Trademark), D-P (Dog-Proof) Traps (Registered Trademark), box traps, cage traps, traps of similar design, and homemade dog-proof traps; homemade dog-proof traps must be designed with a leg hold trap no larger than a number two size in an enclosed wood, metal, or durable plastic container with a single access opening of no larger than 1 1/2 inch diameter)
 Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to duck season)
 Kidd Lake State Natural Area
 Lake Murphysboro State Park
 Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area
 Mermet Lake Fish and Wildlife Area
 Mississippi River Fish and Waterfowl Area (Pools 25, 26) (land sets accessed by land only allowed during duck season; water sets allowed after duck season closes)
 Moraine Hills State Park (water sets only; only body-gripping traps with a jaw spread of 5 inches or less may be used; no more than two persons may enter drawing on a single card)
 Panther Creek Conservation Area
 Peabody River King Fish and Wildlife Area (east, west, and south subunits only)
 Randolph County Conservation Area
 Redwing Slough/Deer Lake State Natural Area (water sets only; only body gripping traps with a jaw spread of 5-6 inches or less may be used)
 Sanganois Fish and Wildlife Area
 Sato Field
 State-M-tonly Egg-Traps-(Registered-Trademark);--B-P--(Bog--Proof) Traps-(Registered-Trademark);-box-traps;-cage-traps;-and-traps-of-similar-design-may-be-used)
 Ten Mile Creek State Fish and Wildlife Area

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

Turkey Bluffs Fish and Wildlife Area
Washington County Conservation Area

d) Statewide regulations as provided for in this Part apply at the following sites; in addition, a permit is required: only egg traps (Registered trademark), D-P (Dog-Proof) traps (Registered trademark), box traps, cage traps, and traps of similar design may be used for land sets; only body-gripping traps with a jaw spread of 5 inches or less, foothold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets (exceptions in parentheses):

Anderson Lake Conservation Area

Argyle Lake State Park

Banner Marsh State Fish and Wildlife Area

Big Bend Fish and Wildlife Area (after the close of rabbit season foothold traps with a jaw spread of 7 1/2 inches or less may be used for water sets)

Coleta Ponds

Giant City State Park

Hennepin Canal Parkway including Mississippi Lake (trappers must register at park office; no floats may be set more than 14 days prior to the season and must be removed at the conclusion of the season; no land sets)

Horseshoe Lake State Park-Madison County

Johnson-Sauk Trail State Park

Lake Le-Aqua-Na State Park

Mackinaw River State Fish and Wildlife Area (water sets only)

Marshall County Fish and Wildlife Area

Morrison Rockwood State Park

Rice Lake Fish and Wildlife Area

Rock Cut State Park

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

Sam Dale Lake Conservation Area

Sangchris Lake State Park

Shabbona Lake State Park

Sparland Fish and Wildlife Area

Spring Lake Conservation Area (water sets only)

Starved Rock/Matthiessen State Park

Stephen A. Forbes State Park

Trail of Tears State Forest

Union County Conservation Area

e) Trapping is prohibited on all other Department-owned, -leased or -managed sites except by special permit which shall be issued by the Department when it is determined that the harvest of a species would enhance the biological balance of the resource.

- 1) All regulations shall be according to species regulations as provided for in this Part.
- 2) Permit application information and site specific regulations shall be announced publicly by the Department through the news media by September 1 of each year.
- 3) Site specific regulations shall be listed on the application and permit and posted at the site.

(Source: Amended at 24 Ill. Reg. 8920, effective 1/1/00)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting

2) Code Citation: 17 Ill. Adm. Code 550

3) Section Numbers: Adopted Action:

550.20 Amendment

550.30 Amendment

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

5) Effective Date of Amendments: June 19, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: March 31, 2000, 24 Ill. Reg. 5151

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version: Section 550.20(c), added "one-half hour after" prior to sunset.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements? Yes

13) Will this rulemaking replace an emergency rulemaking currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part was amended to extend the hunting season for raccoon and opossum, add new sites and regulations and amend existing site specific regulations.

16) formation and questions regarding these adopted amendments shall be directed to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1767
217/782-1609

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 550
RACCOON, OPOSSUM, STRIPED SKUNK, RED FOX, GRAY FOX, COYOTE
AND WOODCHUCK (GROUNDHOG) HUNTING
SITES

Section

550.10 General Regulations

550.20 Statewide Regulations

550.30 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites

AUTHORITY: Implemented and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

SOURCE: 5 Ill. Reg. 8833, effective August 25, 1981; codified at 5 Ill. Reg. 10636; emergency amendment at 5 Ill. Reg. 11593, effective October 20, 1981, for a maximum of 150 days; emergency expired March 17, 1982; amended at 6 Ill. Reg. 10714, effective August 20, 1982; amended at 7 Ill. Reg. 10782, effective August 24, 1983; amended at 7 Ill. Reg. 16098, effective November 22, 1983; amended at 8 Ill. Reg. 21593, effective October 23, 1984; amended at 9 Ill. Reg. 16204, effective October 9, 1985; emergency amendment at 9 Ill. Reg. 18151, effective November 12, 1985, for a maximum of 150 days; emergency expired April 11, 1986; amended at 10 Ill. Reg. 16649, effective September 22, 1986; amended at 11 Ill. Reg. 9540, effective May 5, 1987; amended at 12 Ill. Reg. 11730, effective June 30, 1988; amended at 13 Ill. Reg. 10598, effective June 19, 1989; amended at 14 Ill. Reg. 10798, effective June 20, 1990; amended at 15 Ill. Reg. 11598, effective August 2, 1991; amended at 16 Ill. Reg. 11078, effective June 30, 1992; amended at 17 Ill. Reg. 10795, effective July 1, 1993; amended at 18 Ill. Reg. 10090, effective June 21, 1994; amended at 19 Ill. Reg. 11787, effective August 3, 1995; amended at 20 Ill. Reg. 10874, effective August 5, 1996; amended at 21 Ill. Reg. 9077, effective June 26, 1997; amended at 22 Ill. Reg. 14636, effective August 3, 1998; amended at 23 Ill. Reg. 9066, effective July 28, 1999; amended at 24 Ill. Reg. 8938, effective JUN 19 2000.

Section 550.20 Statewide Regulations

a) Raccoon, Opossum

1) Zones: The State of Illinois is divided by U.S. Rt. 36 (New Rt. 36) into a Northern Zone and Southern Zone.

2) Northern Zone hunting dates: November 5 through the next following February 10 January-25, except as noted in Section 550.10(a) of this Section above.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

3) Southern Zone hunting dates: November 10 through the next following February 15 January-36, except as noted in Section 550.10(a) above.

4) Hunting hours: November 5 in the Northern Zone and November 10 in the Southern Zone open for hunting at sunrise; during archery deer season, raccoon and opossum bow hunting hours shall coincide with the statewide archery deer hunting hours as specified in Section 2.26 of the Wildlife Code [520 ILCS 5/2.26]; otherwise, hours are unrestricted.

5) Daily limit and possession limit: None.

b) Red fox and gray fox

1) Hunting dates: November 10 through the next following January 31, except as noted in Section 550.10(a) above.

2) Hunting hours: Opens November 10 for hunting at sunrise; during archery deer season, red fox and gray fox bow hunting hours shall coincide with the statewide archery deer hunting hours; otherwise, hours are unrestricted.

3) Daily limit and possession limit: None.

c) Coyote and Striped Skunk

1) Hunting dates: Year around except as noted in Section 550.10(a) above.

2) Hunting hours: One-half hour before sunrise to one-half hour after sunset, except during the red fox and gray fox hunting season when statewide hunting hours are unrestricted, and except during archery deer season when coyote and striped skunk bow hunting hours shall coincide with the statewide archery deer hunting hours.

3) Daily limit and possession limit: None.

d) Woodchuck (Groundhog)

1) Hunting dates: June 1 through the next following March 31, except as noted in Section 550.10(a) above.

2) Hunting hours: Sunrise to sunset.

3) Daily limit and possession limit: None.

(Source: Amended at 24 Ill. Reg. 8938, effective JUN 19 2000)

Section 550.30 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites

a) All the regulations in 17 Ill. Adm. Code 510-General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

b) For sites where hunter quotas exist and permits are required a drawing shall be held prior to the opening of the season. The date of the drawing shall be announced by the Department by public announcement and the drawing shall be held at the site. The number of permits per

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- site shall be determined pursuant to 17 Ill. Adm. Code 510.20.
- c) .22 rimfire firearms permitted from sunset to sunrise unless otherwise specified.
 - d) Coyote and striped skunk season shall coincide with the statewide fox season unless otherwise specified.
 - e) No woodchuck (groundhog) hunting allowed unless otherwise specified.
 - f) Statewide regulations as provided for in this rule apply at the following sites (exceptions are in parentheses):

Anderson Lake Conservation Area (all hunting to begin after the close of duck season)

Apple River Canyon State Park

Argyle Lake State Park

Banner Marsh State Fish and Wildlife Area

Big Bend State Fish and Wildlife Area

Big River State Forest

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers Management Lands

Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)

Cypress Pond State Natural Area

Dog Island Wildlife Management Area

Eldon Hazlet State Park (north of Allen Branch and west of Peppenhorst Branch)

Ferne Clyffe State Park - Cedar Draper Bluffs Hunting Area

Port de Chartres Historic Site (muzzleloading firearms or bow and arrow only)

Horseshoe Lake Conservation Area - Alexander County (Public Hunting Area except Controlled Hunting Area)

I-24 Wildlife Management Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Johnson Sauk Trail State Park (archery only; coyote and fox only; season shall coincide with archery deer season on this site)

Kaskaskia River State Fish and Wildlife Area (Dora Creek Waterfowl Management Area closed 7 days prior to and during duck season)

Kinkaid Lake Fish and Wildlife Area

Marseilles Wildlife Area (coyote and fox only; fox statewide season or closes first Thursday after January 10, whichever comes first; coyote open concurrent with fox season; hunting hours are one half hour before sunrise until sunset; ~~coyote opens with fox season~~ ~~February 28~~ ~~hunting hours 1/2 hour before sunrise~~ ~~before sunset~~)

Marshall County Fish and Wildlife Area (raccoon, opossum only; season opens day after duck season)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 16, 17, 18, 21, 22 and 24 (groundhog hunting allowed) (c)

Oakford Conservation Area

Panther Creek Conservation Area (statewide seasons for coyote and striped skunk)

Peabody River King State Fish and Wildlife Area (West subunit only)

Randolph County Conservation Area

Ray Norbut State Fish and Wildlife Area (all hunting closes December 15 in Eagle Roost Area)

Rend Lake Project Lands and Waters

Sangamon County Conservation Area

Shawnee National Forest, Oakwood Bottoms and LaPue Scatters (season closes 7 days before opening of duck season and remains closed through the duck season; at Oakwood Bottoms non-toxic shot only)

Siebeck Forest Natural Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Siloam Springs State Park

Tapley Woods State Natural Area (shotguns or muzzleloading rifles only may be used from sunset - sunrise)

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Washington County Conservation Area

Weinburg-King State Park (c)(d)

Wildcat Hollow State Forest

Witkowsky State Wildlife Area (coyote only; season shall coincide with archery and firearm deer season at this site; archery only during the archery season at this site)

Woodford County Fish and Wildlife Area (raccoon, opossum only; season opens after duck season)

- g) Statewide regulations apply except that hunters must obtain a permit from the Department; where hunter quotas exist, permits are allocated as described in subsection (b); permits must be in possession while hunting; the permit must be returned by February 15 or hunter will forfeit hunting privileges at that site the following year (exceptions are in parentheses):

Chauncey Marsh (obtain permit at Red Hills State Park Headquarters)

Clinton Lake State Recreation Area

Coffeen Lake State Fish and Wildlife Area (coyote only, shotgun only)

Crawford County Conservation Area

Earle Creek State Park (season opens day after second firearm deer season; closes December 20; hunting sunset to sunrise only; raccoon only)

East Conant Field

Fox Ridge State Park

Green River State Wildlife Area (fox, striped skunk and coyote

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

open January 1; skunk and coyote close the last day of February)

Hamilton County Conservation Area

Harry "Babe" Woodyard State Natural Area

Hidden Springs State Forest

Iroquois County Wildlife Management Area (season opens the day after Permit Pheasant Season)

Jim Edgar Panther Creek State Fish and Wildlife Area (statewide seasons for coyote and striped skunk)

Kankakee River State Park (no rifle or handgun hunting allowed; the furbearer hunting season opens the day after the last day of the site's upland hunting seasons through statewide close of respective seasons for furbearers except striped skunk and coyote close with fox season)

Kickapoo State Park

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Areas

Lincoln Trail State Park (season opens day after second firearm deer season; closes December 20; hunting hours sunset to sunrise only; raccoon only)

Middle Fork Fish and Wildlife Management Area

Moraine View State Park (season opens after site's controlled pheasant season; night hunting only)

Ramsey Lake State Park

Saline County Fish and Wildlife Area

Sam Parr State Park

Sand Ridge State Forest (coyote and striped skunk seasons - opening of the statewide raccoon season until the day before opening of the statewide spring turkey season)

Sanganois State Fish and Wildlife Area (statewide seasons for coyote and striped skunk)

Sangchris Lake State Park (fox, coyote and striped skunk hunting

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

only; statewide seasons for fox, coyote and striped skunk except, during central zone duck and Canada goose season. ~~waterfowl season--only~~ hunters pursuing waterfowl or upland game may take fox, coyote and striped skunk with shotgun only in accordance with site-specific regulations set forth in 17 Ill. Adm. Code 530 and 590 ~~may take fox, coyote and skunk; shotgun only~~

Sato Field

Site-W-(statewide-seasons-for-coyote-and-striped-skunk)

Stephen A. Forbes State Park

Ten Mile Creek State Fish and Wildlife Area (statewide coyote, striped skunk, and groundhog hunting allowed)

Walnut Point Fish and Wildlife Management Area (season opens day after second firearm deer season; closes December 20; hunting sunset to sunrise only; raccoon only)

Wolf Creek State Park (season opens day after second firearm deer season; closes December 20; hunting sunset to sunrise only; raccoon only)

(Source: Amended at 24 Ill. Reg. 8938, effective 11/14/2000)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Squirrel Hunting

2) Code Citation: 17 Ill. Adm. Code 690

3) Section Numbers: Adopted Action: 690.30 Amendment

4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].

5) Effective Date of Amendments: 6/19/00

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: March 31, 2000, 24 Ill. Reg. 5160

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements? Yes

13) Will this rulemaking replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part was amended to add Sahara Woods, Moccasin Wetlands and Siebeck Forest Natural Area and to change the name of Site M to Jim Edgar Panther Creek State Fish and Wildlife Area.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS
TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 690
SQUIRREL HUNTINGSection
690.10 Hunting Seasons
690.20 Statewide Regulations
690.30 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code 1520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5).

SOURCE: Adopted at 5 Ill. Reg. 8017, effective July 24, 1981; codified at 5 Ill. Reg. 10642; emergency amendment at 5 Ill. Reg. 11382, effective October 14, 1981, for a maximum of 150 days; emergency expired March 12, 1982; amended at 6 Ill. Reg. 9642, effective July 21, 1982; amended at 7 Ill. Reg. 8809, effective July 15, 1983; emergency amendment at 7 Ill. Reg. 9690, effective August 1, 1983, for a maximum of 150 days; emergency expired December 29, 1983; amended at 8 Ill. Reg. 16789, effective August 30, 1984; amended at 9 Ill. Reg. 11614, effective July 16, 1985; amended at 10 Ill. Reg. 15601, effective September 16, 1986; amended at 11 Ill. Reg. 9549, effective May 5, 1987; amended at 12 Ill. Reg. 12246, effective July 15, 1988; amended at 13 Ill. Reg. 10606, effective June 15, 1989; amended at 14 Ill. Reg. 10816, effective June 20, 1990; amended at 15 Ill. Reg. 10012, effective June 24, 1991; amended at 16 Ill. Reg. 11087, effective June 30, 1992; amended at 17 Ill. Reg. 10842, effective July 1, 1993; amended at 18 Ill. Reg. 8624, effective May 31, 1994; amended at 19 Ill. Reg. 10664, effective July 1, 1995; amended at 20 Ill. Reg. 10882, effective August 5, 1996; amended at 21 Ill. Reg. 9095, effective June 26, 1997; amended at 22 Ill. Reg. 14844, effective August 3, 1998; amended at 23 Ill. Reg. 9074, effective July 28, 1999; amended at 24 Ill. Reg. ~~8947~~, effective ~~11/19/2000~~.

Section 690.30 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510, General Hunting and Trapping on Department-Owned or Managed Sites, apply in this Part, unless this Part is more restrictive.
- b) Hunting with .22 caliber rimfire firearms or muzzleloading black powder rifles is allowed at those sites listed in the following subsections that are followed by a (1).
- c) Check-in, check-out and reporting of harvest is required at those sites listed in the following subsections that are followed by a (2).
- d) Statewide regulations apply at the following sites:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Anderson Lake Conservation Area (2)

Apple River Canyon State Park - Salem and Thompson Units (2)

Argyle Lake State Park (2)

Big Bend State Fish and Wildlife Area (2)

Big River State Forest (2)

Cache River State Natural Area (1) (2)

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers managed lands (1)

Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season) (1)

Chain O'Lakes State Park (opens Wednesday after permit pheasant season for 5 consecutive days, except closed on Christmas Day; 8:00 a.m. to 4:00 p.m.; daily quota filled on first come-first served basis; DNR issued back patch must be worn while hunting; only shot size of No. 5 lead or No. 3 steel or smaller may be used) (2)

Crawford County Conservation Area (1) (2)

Cypress Pond State Natural Area (1) (2)

Dog Island Wildlife Management Area (1) (2)

Eldon Hazlet State Park (north of Allen Branch (2); and west of Peppenhorst Branch only)

Ferne Clyffe State Park - Cedar Draper Bluffs Hunting Area (1) (2)

Fort de Chartres Historic Site (muzzleloading firearms or bow and arrow only) (1) (2)

Fort Massac State Park (2)

I-24 Wildlife Management Area (2)

Kaskaskia River State Fish and Wildlife Area (Doza Creek

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Waterfowl Management Area closed 7 days prior to and during duck season) (1) (2)

Kinkaid Lake Fish and Wildlife Area (1)

Lowden-Miller State Forest (hunting allowed from September 1 through September 30 only; hunting allowed only on the southern one-half of the site) (1) (2)

Marseilles Fish and Wildlife Area (Monday through Thursday only through October 31; during August, hunting allowed west of E. 2450 Road only) (2)

Marshall State Fish and Wildlife Area (2)

Mermet Lake Conservation Area (non-toxic shot only in waterfowl areas) (1) (2)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26) (1)

Mississippi River Pools 16, 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Morrison Rockwood State Park (opens November 1 and closes the Thursday before the first statewide firearm deer season) (1) (2)

Oakford Conservation Area (1)

Panther Creek Conservation Area (1) (2)

Peabody River King State Fish and Wildlife Area (east and north subunits close, November 1) (2)

Randolph County Conservation Area (2)

Ray Norbut State Fish and Wildlife Area (closes December 15 in Eagle Roost Area) (1) (2)

Rend Hills State Park (2)

Rend Lake Project Lands and Waters (1)

Sahara Woods (1) (2)

Saline County Fish and Wildlife Area (1) (2)

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

Sam Dale Lake Conservation Area (2)
Sam Parr State Park (2)
Sangamon County Conservation Area (1)
Shawnee National Forest, Oakwood Bottoms (non-toxic shot only) (1)
Siebeck Forest Natural Area (1) (2)
Stephen A. Forbes State Park (2)
Tapley Woods State Natural Area (2)
Trail of Tears State Forest (1)
Turkey Bluffs State Fish and Wildlife Area (1) (2)
Walnut Point Fish and Wildlife Area (2)
Washington County Conservation Area (2)
Weinberg-King State Park (1) (2)
Wildcat Hollow State Forest (1)
Witkowsky State Wildlife Area (opens after second firearm deer season) (2)

e) Season dates shall be the day following Labor Day to the end of the statewide season at the following sites:

Ferne Clyffe State Park - Fern Clyffe Hunting Area (2)
Giant City State Park
Hamilton County Conservation Area (2)
Pere Marquette State Park (2)
Pyramid State Park (2)
Siloam Springs State Park (2)

f) Season dates shall be the day after Labor Day to September 30 at the following sites:

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

Johnson-Sauk Trail State Park (2)
Jubilee College State Park (2)
Kankakee River State Park (2)
Silver Springs State Park (2)
Spring Lake Fish and Wildlife Area (2)
g) Statewide regulations apply at the following sites, except that hunters must obtain a free permit from the Department and variations in season dates are in parentheses. Permits must be in possession while hunting. The permit must be returned and harvest reported by February 15 or the hunter will forfeit privileges at that site for the following year:
Chauncey Marsh (permit may be obtained at Red Hills State Park Headquarters) (1)
Clinton Lake State Recreation Area
Coffeen Lake State Fish and Wildlife Area (area closed during firearm deer season; closes September 30)
East Conant Field (1)
Fox Ridge State Park (1)
Harry "Babe" Woodyard State Natural Area
Hidden Springs State Forest (.22 rimfire firearms and muzzleloading blackpowder rifles prohibited until October 1) (1)
Hurricane Creek Habitat Area (season closes October 31)
Jim Edgar Panther Creek State Fish and Wildlife Area (the Quality Unit and Controlled Unit close October 31) (1)
Kickapoo State Park (season opens day after Labor Day)
Lake Shelbyville - Eagle Creek State Park (closes opening day of site's pheasant season)
Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Areas (1)
Middle Fork Fish and Wildlife Area (season opens day after Labor

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Day)

Monroe Wetlands (season opens day after Labor Day; closes September 30; shotgun only, non-toxic shot only)

Moraine View State Park

Newton Lake Fish and Wildlife Area (closes September 30)

Ramsey Lake State Park

Sangamon State Fish and Wildlife Area (1)

Sato Field (1)

Site M (the Quality Unit and Controlled Unit--close--October--31--
+)

Ten Mile Creek Fish and Wildlife Area (1)

h) Season dates shall be statewide opening through September 30 at the following sites:

Castle Rock State Park (2)

Coffeen Lake State Fish and Wildlife Area

Iroquois County Wildlife Management Area (1) (2)

Mackinaw State Fish and Wildlife Area (2)

Mt. Vernon Game Propagation Center (2)

Woodford County Fish and Wildlife Area (2)

i) Season dates shall be statewide opening through October 31 at the following sites:

Green River State Wildlife Area (2)

Horseshoe Lake Conservation Area (season on the controlled goose hunting area shall close October 31, remainder of the public hunting area statewide season; non-toxic shot only) (1)

Sand Ridge State Forest (1) (2)

Union County Conservation Area (season on the controlled goose hunting area closes October 31; firing line unit - statewide

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

closing: non-toxic shot only) (1)

(Source: Amended at 24 Ill. Reg. 8947 effective
1/1/00 1/1/00 1/1/00)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Taking of Wild Turkeys - Fall Archery Season
- 2) Code Citation: 17 Ill. Adm. Code 720
- 3) Section Numbers:
720.10 Adopted Action:
720.20 Amendment
720.40 Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].
- 5) Effective Date of Amendments: June 19, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 7, 2000, 24 Ill. Reg. 5829
- 10) Has JCAR issued a Statement of Objections to these amendments? No

- 11) Differences between proposal and final version: When this rule was proposed, it contained new language in Sections 720.20 and 720.25. The language listed below has been removed and these Sections are no longer being amended:

Section 720.20(b) "..., including Social Security Number,"

Section 720.25(h) "Applicants must provide their Social Security Number on the application form."

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency amendment currently in effect?
No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendments: Amendments to this Part open new counties, add language indicating crossbows may be used as provided by 520

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

ILCS 5/2.33, and open additional sites to hunting.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
 CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
 SUBCHAPTER b: FISH AND WILDLIFE

PART 720

THE TAKING OF WILD TURKEYS - FALL ARCHERY SEASON

Section

- 720.10 Hunting Seasons and Counties Open to Hunting
 720.20 Statewide Turkey Permit Requirements
 720.25 Turkey Permit Requirements - Landowner/Tenant Permits
 720.30 Turkey Hunting Regulations
 720.40 Regulations at Various Department-Owned or -Managed Sites
 720.50 Releasing or Stocking of Turkeys (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10, and 2.11 of the Wildlife Code [520 ICS 5/1.3, 1.4, 2.9, 2.10 and 2.11].

SOURCE: Adopted and codified at 8 Ill. Reg. 7825, effective May 22, 1984; emergency amendments at 8 Ill. Reg. 20086, effective October 12, 1985, for a maximum of 150 days; emergency expired March 2, 1985; amended at 9 Ill. Reg. 14311, effective September 5, 1985; amended at 11 Ill. Reg. 9556, effective May 5, 1987; amended at 12 Ill. Reg. 12254, effective July 15, 1988; amended at 13 Ill. Reg. 12831, effective July 21, 1989; amended at 14 Ill. Reg. 12413, effective July 20, 1990; amended at 15 Ill. Reg. 11611, effective August 2, 1991; amended at 16 Ill. Reg. 11093, effective June 30, 1992; amended at 16 Ill. Reg. 15442, effective September 28, 1992; amended at 17 Ill. Reg. 281, effective December 28, 1992; amended at 17 Ill. Reg. 10850, effective July 1, 1993; amended at 18 Ill. Reg. 10104, effective June 21, 1994; amended at 19 Ill. Reg. 11799, effective August 3, 1995; amended at 20 Ill. Reg. 10890, effective August 5, 1996; amended at 21 Ill. Reg. 9102, effective June 26, 1997; amended at 22 Ill. Reg. 14856, effective August 3, 1998; amended at 23 Ill. Reg. 9082, effective July 28, 1999; amended at 24 Ill. Reg. 8956, effective 11/13/00.

Section 720.10 Hunting Seasons and Counties Open to Hunting

- a) Season: Statewide season October 1 through the first Thursday after January 10, closed during firearm deer season, as set out in 17 Ill. Adm. Code 650.
 b) Open Counties:

Adams
 Alexander
 Bond
 Boone
 Brown
 Bureau

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Calhoun
 Carroll
 Cass
 Christian
 Clark
 Clay
 Clinton
 Coles
 Crawford
 Cumberland
 Dekalb
 Edgar
 Edwards
 Effingham
 Fayette
 Fulton
 Gallatin
 Greene
 Grundy
 Hamilton
 Hancock
 Hardin
 Henderson
 Jackson
 Jasper
 Jefferson
 Jersey
 Jo Daviess
 Johnson
 Kankakee
 Knox
 LaSalle
 Lawrence
 Lee
 Logan
 Marion
 Macoupin
 Madison
 Marshall
 Mason
 Massac
 McDonough
 Menard
 Mercer
 Monroe
 Montgomery
 Morgan
 Ogle

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

Peoria
Perry
Pike
Pope
Pulaaki
Putnam
Randolph
Richard
Rock Island
Saline
Sangamon
schuyler
Scott
Shelby
St. Clair
Stark
Stephenson
Tazewell
Union
Vermillion
Wabash
Warren
Washington
Wayne
Whiteside
Williamson
Winnebago
Woodford

(Source: Amended at 24 Ill. Reg. 8956, effective JUN 19 2000)

Section 720.30 Turkey Hunting Regulations

It is unlawful:

- to use live turkey decoys, recorded calls, dogs or bait. An area is considered as baited during the presence of and for 10 consecutive days following the removal of bait;
- to take, or attempt to take, more than 1 wild turkey per valid permit during the fall archery season (either sex may be harvested);
- to use any weapon except a long, recurved or compound bow with a minimum pull of 40 pounds at some point within a 28 inch draw. Minimum arrow length is 20 inches, and broadheads must be used. Broadheads may have fixed or expandable blades, but they must be barbed and have a minimum 7/8 inch diameter when fully opened. Broadheads with fixed blades must be metal or flint-, chert-, or obsidian-tipped; broadheads with expandable blades must be metal. All

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

- other bows and arrows, including electronic arrow tracking systems, are illegal. Any mechanical device capable of maintaining a drawn or partially drawn position on a bow is illegal. Crossbows may be used as provided by 520 ILCS 5/2.33;
- for any person having taken the limit of wild turkeys to further participate with a weapon in any hunting party for the purpose of taking additional turkeys;
 - for any person to hunt wild turkeys without having a signed Archery Wild Turkey Hunting Permit in possession;
 - to transport or move a wild turkey without first affixing and properly sealing the adhesive-backed turkey permit securely around the leg. Leg tag must be affixed to the turkey immediately upon kill. No person shall leave any turkey that has been killed without properly attaching the turkey permit around the leg;
 - to fail to send the mail-in portion of the turkey permit and feathers as indicated on the mail-in envelope to the Department in the envelope supplied within 48 hours of taking a turkey with bow and arrow. Failure to follow this rule constitutes illegal possession of a wild turkey and is punishable by a fine plus turkey hunting privileges being suspended for the following year; and
 - to possess, while in the field during archery turkey season, any turkey permit issued to another person.

(Source: Amended at 24 Ill. Reg. 8956, effective JUN 19 2000)

Section 720.40 Regulations at Various Department-Owned or -Managed Sites

Statewide regulations shall apply for the following sites, except those sites designated below by asterisk (*) shall be open to archery turkey hunting without regard to firearm deer season. Those sites followed by (1) require hunters to check in and check out. Those sites followed by (2) require hunters to obtain a permit from the site before hunting:

* Anderson Lake Conservation Area (1)

Apple River Canyon State Park - Salem and Thompson Units (1)

Argyle Lake State Park (1)

Beaver Dam State Park (2)

Big Bend State Fish and Wildlife Area (1)

Big River State Forest (1)

Cache River State Natural Area (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers Managed Lands

Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)

Castle Rock State Park (1)

Chauncey Marsh (2) (permit available at Red Hills State Park)

Crawford County Conservation Area (1)

Cypress Pond State Natural Area (1)

Dixon Springs State Park (1)

Dog Island Wildlife Management Area (1)

East Conant Field (2)

Ferne Clyffe State Park (1)

Fort de Chartres Historic Site

Fort Massac State Park (1)

* Franklin Creek State Park (1)

Giant City State Park

Green River State Wildlife Area (1)

Hamilton County Conservation Area (must possess valid site archery permit) (2)

Harry "Babe" Woodyard State Natural Area (2)

I-24 Wildlife Management Area (1)

Jim Edgar Panther Creek State Fish and Wildlife Area (2)

Johnson-Sauk Trail State Park (closed Wednesday through Sunday during site's pheasant permit season) (1)

Jubilee College State Park (2)

Kaskaskia River State Fish and Wildlife Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Kickapoo State Park (2)

Kinkaid Lake Fish and Wildlife Area

Lowden-Miller State Forest (1)

Mackinaw River State Fish and Wildlife Area (1)

Marseilles Wildlife Area (closed each Friday, Saturday, and Sunday in October) (1)

Marshall State Fish and Wildlife Area (2)

Mermet Lake State Fish and Wildlife Area (1)

Middle Fork State Fish and Wildlife Area (2)

Mississippi Palisades State Park (November 1 through December 31) (2)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22 and 24

Newton Lake Fish and Wildlife Area (must possess valid site archery permit) (2)

Oakford Conservation Area

Panther Creek Conservation Area

Peabody River King State Fish and Wildlife Area (east and north subunits closed November 1) (1)

Pere Marquette State Park (1)

Pyramid State Park

* Ramsey Lake State Park (2)

* Randolph County Conservation Area

Ray Norbut State Fish and Wildlife Area (all hunting closes December 15 in Eagle Roost Area) (1)

* Red Hills State Park (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- * Rend Lake State Fish and Wildlife Area

- * Sahara Woods (1) (2)

Saline County Conservation Area (1)

- * Sam Dale Lake Conservation Area (2)

- * Sam Parr State Park (1)

Sand Ridge State Forest (2)

Sangancio State Fish and Wildlife Area (2)

Sato Field (2)

Sielbeck Forest Natural Area (1)

Siloam Springs State Park

Site-M-12

- * Spring Lake State Fish and Wildlife Area (2)

- * Stephen A. Forbes State Park (2)

Tapley Woods State Natural Area (1)

Ten Mile Creek Fish and Wildlife Area (2)

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area (firing line unit - Statewide season, Public Hunting Area October 1 through 25 days prior to the opening of goose season, reopens with the close of the Quota Zone goose season)

- * Washington County Conservation Area (1)

Weinburg-King State Park

Wildcat Wildlife Hollow State Forest

Witkowsky State Wildlife Area (1)

(Source: Amended at 24 Ill. Reg. 8956, effective June 1, 2000)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Taking of Wild Turkeys - Fall Gun Season

- 2) Code Citation: 17 Ill. Adm. Code 715

- 3) Section Numbers
715.40
Adopted Action:
Amendments

- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

- 5) Effective Date of Amendments: June 19, 2000

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? No

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: April 7, 2000, 24 Ill. Reg. 5841

- 10) Has JCAR issued a Statement of Objection to these amendments? No

- 11) Differences between proposal and final version: When this amendment was proposed, it contained new language in Sections 715.20 and 715.25. The language listed below, which appeared in both these Sections, has been removed and these Sections are no longer being amended: "Applicants must provide their Social Security Number on the application form."

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency amendment currently in effect?
No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: Amendments to this Part were made to open new counties to fall gun turkey hunting and to open new sites.

- 16) Information and questions regarding these adopted amendments shall be directed to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 715

THE TAKING OF WILD TURKEYS - FALL GUN SEASON

Section

715.10 Hunting Season, Open Counties and Permit Quotas
715.20 Statewide Turkey Permit Requirements
715.21 Turkey Permit Requirements - Special Hunts
715.25 Turkey Permit Requirements - Landowner/Tenant Permits
715.30 Turkey Hunting Regulations
715.40 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

SOURCE: Adopted at 13 Ill. Reg. 14950, effective September 6, 1989; amended at 14 Ill. Reg. 12421, effective July 20, 1990; amended at 15 Ill. Reg. 11618, effective August 2, 1991; amended at 16 Ill. Reg. 11101, effective June 30, 1992; amended at 17 Ill. Reg. 10858, effective July 1, 1993; amended at 18 Ill. Reg. 10013, effective June 21, 1994; amended at 19 Ill. Reg. 11806, effective August 3, 1995; amended at 20 Ill. Reg. 10898, effective August 5, 1996; amended at 21 Ill. Reg. 9110, effective June 26, 1997; amended at 22 Ill. Reg. 14866, effective August 3, 1998; amended at 23 Ill. Reg. 9091, effective July 28, 1999; amended at 24 Ill. Reg. ~~8965~~, effective ~~11/14/2001~~.

Section 715.10 Hunting Season, Open Counties and Permit Quotas

- a) Season: Nine days beginning on Saturday of the Second complete 3-day weekend (Friday, Saturday, Sunday) after October 10.
b) Open Counties

OPEN COUNTIES

Adams
Alexander
Brown
Calhoun
Carroll
Cass
Fulton
Gallatin/Hardin (south of Rt. 13 only)
Greene
Hancock
Henderson

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

Jackson
Jefferson
Jersey
Jo Daviess
Johnson
Knox
Macoupin
Madison
Marion
Masson
McDonough
Monroe
Morgan
Pike
Pope
Randolph
Rock Island
Saline
Schuyler
Scott
Stephenson
Union
Wayne
Whiteside
Williamson
Winnebago
c) Permit quotas shall be set by the Department of Natural Resources on a county or special hunt area basis.
(Source: Amended at 24 Ill. Reg. 8965, effective June 19, 2000)

Section 715.40 Regulations at Various Department-Owned or -Managed Sites

- a) Statewide regulations shall apply for the following sites:
- Kaskaskia River State Fish and Wildlife Area (except that area north of Hwy. 154, east of the Kaskaskia River and south of Risdon School Road and Beck's Landing access road)
 - Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)
 - Mississippi River Pool 16
 - Mississippi River Pool 18 (Henderson County only)
 - Mississippi River Pools 21, 22, 24

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

- Panther Creek Conservation Area
Rend Lake Project Lands (portion in Jefferson County only)
- b) Statewide regulations shall apply except that all hunters must check in, check out, and report harvest at those sites listed below. Quotas, where listed, shall be on a first come-first served basis. Hunters shall not be allowed to sign in prior to 4 a.m. each day of the season.
- Argyle Lake State Park
 - Big River State Forest
 - Cache River State Natural Area (Johnson County portion only)
 - Cypress Pond State Natural Area
 - Ferne Clyffe State Park
 - Fort de Chartres Historic Site (muzzleloading shotguns only)
 - Giant City State Park
 - I-24 Wildlife Management Area
 - Kinkaid Lake Fish and Wildlife Area
 - Pere Marquette State Park (only that portion of site south of Graham Hollow Road)
 - Ray Norbut State Fish and Wildlife Area
 - Saline County Conservation Area
 - Siloam Springs State Park
 - Tapley Woods State Natural Area
 - Trail of Tears State Forest
 - Turkey Bluffs State Fish and Wildlife Area
 - Union County Conservation Area - Firing Line Management Unit Only
 - Weinburg-King State Park
- c) Statewide regulations shall apply except that all hunting is allowed

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 715.20. This permit is only valid for the specific site indicated on the permit.

Apple River Canyon State Park - Salem and Thompson Units

Jim Edgar Panther Creek State Fish and Wildlife Area

Sand Ridge State Forest

Sato Field

State-M

Witkovsky State Wildlife Area

- d) Special program for hunters with disabilities. Statewide regulations shall apply unless designated otherwise by site regulations. Only disabled persons participating in the site's firearm deer hunt are eligible to participate. This hunt will run concurrent with the site's firearm deer hunt (refer to 17 Ill. Adm. Code 650.67 for hunt dates). Permits will be \$15 each; site specific for Rock Cut; issued at the site during check in for firearm deer hunting. Availability will be publicly announced.

Rock Cut State Park

(Source: Amended at 24 Ill. Reg. 8965, effective JUN 13 2000)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: White-Tailed Deer Hunting By Use of Firearms
- 2) Code Citation: 17 Ill. Adm. Code 650
- 3) Section Numbers: Adopted Action: Amendments 650.67
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].
- 5) Effective Date of Amendments: June 19, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 31, 2000, 24 Ill. Reg. 5169
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? Yes

Section Number	Proposed Action	Illinois Register Citation
650.20	Amendments	24 Ill. Reg. 456
650.21	Amendments	24 Ill. Reg. 456
650.22	Amendments	24 Ill. Reg. 456
650.60	Amendments	24 Ill. Reg. 456
650.65	Amendments	24 Ill. Reg. 456

- 15) Summary and Purpose of Rulemaking: Amendments to this Part add Starved Rock State Park to the list of special hunts for disabled hunters.

- 16) Information and questions regarding these adopted amendments shall be directed to:

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 650

WHITE-TAILED DEER HUNTING BY USE OF FIREARMS

Section

- 650.20 Statewide Deer Permit Requirements
- 650.21 Deer Permit Requirements - Landowner/Tenant Permits
- 650.22 Deer Permit Requirements - Special Hunts
- 650.23 Deer Permit Requirements - Group Hunt
- 650.30 Statewide Firearms Requirements
- 650.40 Statewide Deer Hunting Rules
- 650.50 Rejection of Application/Revocation of Permits
- 650.60 Regulations at Various Department-Owned or -Managed Sites
- 650.65 Youth Hunt
- 650.67 Special Hunts for Disabled Hunters
- 650.70 Special Extended Season Firearm Deer Hunt (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 5 Ill. Reg. 9771, effective September 17, 1981; codified at 5 Ill. Reg. 10640; amended at 6 Ill. Reg. 10730, effective August 20, 1982; amended at 7 Ill. Reg. 10798, effective August 24, 1983; amended at 8 Ill. Reg. 21602, effective October 23, 1984; amended at 9 Ill. Reg. 16213, effective October 10, 1985; emergency amendment at 9 Ill. Reg. 20922, effective December 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4223, effective February 25, 1986; amended at 10 Ill. Reg. 16665, effective September 22, 1986; amended at 11 Ill. Reg. 3044, effective February 3, 1987; amended at 11 Ill. Reg. 9564, effective May 5, 1987; amended at 12 Ill. Reg. 8003, effective April 25, 1988; amended at 12 Ill. Reg. 12055, effective July 11, 1988; amended at 13 Ill. Reg. 12853, effective July 21, 1989; amended at 14 Ill. Reg. 12430, effective July 20, 1990; amended at 14 Ill. Reg. 19869, effective December 3, 1990; amended at 15 Ill. Reg. 15790, effective October 22, 1991, for a maximum of 150 days; emergency expired March 21, 1992; amended at 16 Ill. Reg. 11131, effective June 30, 1992; amended at 17 Ill. Reg. 13468, effective July 30, 1993; amended at 18 Ill. Reg. 5859, effective April 5, 1994; amended at 18 Ill. Reg. 13431, effective August 23, 1994; amended at 19 Ill. Reg. 6477, effective April 28, 1995; amended at 20 Ill. Reg. 7515, effective May 20, 1996; amended at 21 Ill. Reg. 5572, effective April 19, 1997; amended at 21 Ill. Reg. 9116, effective June 26, 1997; amended at 22 Ill. Reg. 8007, effective April 28, 1998; amended at 23 Ill. Reg. 5564, effective April 26, 1999; amended at 24 Ill. Reg. 8971, effective JUN 19 2000.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Section 650.67 Special Hunts for Disabled Hunters

Statewide regulations shall apply; season dates shall be the Thursday, Friday, and Saturday immediately prior to the first firearm deer season, and the Thursday, Friday, and Saturday immediately following the second weekend of the regular firearm season unless otherwise noted in parentheses. Permit applications may be obtained from the appropriate Illinois Department of Natural Resources regional office, and completed applications must be returned to that office by the third Friday in October. Disabled hunters must possess a Class P2A disability card in order to be eligible for the drawing. All participating hunters must show proof of passing the Illinois Hunter Safety Course or an equivalent State program for nonresidents unless otherwise noted in parentheses. Additional regulations will be publicly announced.

Clinton Lake State Recreation Area (Mascoutin State Park) (2) (5)

Rock Cut State Park (2) (5)

Starved Rock State Park (Monday, Tuesday and Wednesday before the first statewide firearm deer season only; antlerless deer only; hunter safety course not required) (2) (5)

Starved Rock State Park (Monday, Tuesday and Wednesday before the second statewide firearm deer season only; antlerless deer only; hunter safety course not required) (2) (5)

(Source: Amended at 24 Ill. Reg. 8971, effective 11/1/00)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: White-Tailed Deer Hunting by Use of Handguns

2) Code Citation: 17 Ill. Adm. Code 680

3) Section Numbers: Adopted Action:
680.20 Amendment

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

5) Effective Date of amendments: 6/19/00

6) Does this rulemaking contain an automatic repeal date? No

7) this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: March 31, 2000, 24 Ill. Reg. 5850

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: In Section 680.20(d) the following language was removed "Applicants must provide their Social Security Number on the application form."

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements? Yes

13) Will this rulemaking replace an emergency amendments currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Amendments to this Part change the date applications shall be accepted from November 1 until as soon as they are available; and change language to indicate applications received after the tenth weekday in November shall not be included in the drawing.

16) Information and questions regarding these adopted amendments shall be directed to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 680

WHITE-TAILED DEER HUNTING BY USE OF HANDGUNS

Section

680.10 Statewide Season
680.20 Statewide Deer Permit Requirements
680.30 Deer Permit Requirements - Group Hunt
680.40 Statewide Handgun Requirements for Deer Hunting
680.50 Statewide Deer Hunting Rules
680.60 Reporting Harvest
680.70 Rejection of Application/Revocation of Permits
680.80 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 15 Ill. Reg. 13353, effective September 3, 1991; amended at 16 Ill. Reg. 15446, effective September 28, 1992; amended at 17 Ill. Reg. 18810, effective October 19, 1993; amended at 18 Ill. Reg. 15739, effective October 18, 1994; amended at 19 Ill. Reg. 15422, effective October 26, 1995; amended at 20 Ill. Reg. 10906, effective August 5, 1996; amended at 21 Ill. Reg. 9128, effective June 26, 1997; amended at 22 Ill. Reg. 14875, effective August 3, 1998; amended at 24 Ill. Reg. 8375, effective JUN 13 2000.

Section 680.20 Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid "Handgun Deer Permit" (\$15-00) and must be 18 years of age or older by the opening date of the handgun deer season applied for. A permit is issued for one county and is valid only in the county stated on the permit. For permit applications and other information write to:

Department of Natural Resources
(Handgun Deer Season)
Deer Permit Office
524 South Second Street, Room 210
Post Office Box 19227

Springfield, IL 62794-9227

- b) Applications shall be accepted as soon as they are available from November 1 through the tenth weekday in November for the Handgun Deer Season in the following January. Applications received post-marked after the tenth weekday in November shall not be included in the drawing. Permits shall be allocated in a random drawing. Permits

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- not correctly filled out shall be rejected from the random drawing. Permits shall be issued as antlerless-only.
- c) In-person and mail-in applications shall receive equal treatment in the drawings.
 - d) Each applicant must apply using the official agency Handgun Deer Permit Application, and must complete all portions of the form. No more than 6 single applications per envelope shall be accepted. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications to the Deer Permit Office for regular firearm, muzzleloading rifle, handgun, archery, and free or paid landowner/tenant permits.
 - e) For the applicant to be eligible to receive a Handgun Deer Permit (\$15-00), he must be an Illinois resident, at least 18 years of age by the opening date of the handgun deer season and not have had his deer hunting privileges suspended or revoked in this State pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36].
 - f) Applications shall be accepted at the counter window of the permit office; however, permits shall be mailed.
 - g) Recipients of the Handgun Deer Hunting Permit shall record their signature on the permit and must carry it on their person while hunting.
 - h) Permits are not transferable. Refunds shall not be granted unless the Department has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.
 - i) A \$3-00 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there shall be no charge. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.
 - j) Each applicant must enclose a separate \$15-00 (check or money order) payable to the Department of Natural Resources, or the application shall be returned. Applicants should not send cash with their applications. The Department shall not be responsible for cash sent through the mail.

(Source: Amended JUN 18 2008 at 24 Ill. Reg. **8975** - effective)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULE

- 1) Heading of the Part: Vehicle Scrappage Activities

- 2) Code Citation: 35 Ill. Adm. Code 207

- 3) Section Numbers: Adopted Action:

207.100	New
207.102	New
207.104	New
207.200	New
207.300	New
207.302	New
207.304	New
207.306	New
207.308	New
207.310	New
207.312	New
207.314	New
207.316	New
207.318	New
207.400	New
207.402	New
207.404	New
207.406	New
207.408	New
207.410	New
207.500	New
207.502	New
207.504	New
207.506	New
207.508	New
207.510	New
207.512	New
207.600	New
207.602	New
207.604	New
207.606	New
207.608	New
207.610	New
207.612	New
207.700	New
207.702	New
207.800	New
207.802	New
207.804	New
207.806	New
207.900	New
207.902	New
207.904	New

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULE

4) Statutory Authority: 415 ILCS 5/27

5) Effective Date of Rule: June 14, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Board's Chicago office and is available for public inspection.

9) Notices of Proposal Published in Illinois Register: February 14, 2000, 24 Ill. Reg. 2159

10) Has JCAR issued a Statement of Objections to this rule? No

11) Differences between proposal and final version: In the Table of Contents, Section 207.510 was amended to read: "Submission and Agency Review of CER Claims".

In the Table of Contents, Section 507.612 was amended to read "Plans for Agency Sponsored Projects or Programs.

In the Table of Contents, Subpart C was retitled: "Vehicle Scrapage Sponsor and Manger Eligibility, Training and Application Procedure".

In Section 207.304, a new subsection b was added which reads: "Shall not be from a model year 25 years old or older" and the remaining subsections were renumbered.

Section 207.304(d), now (e), was redrafted.

Section 207.310(b)(1) and (2) were deleted and a new sentence added at the end of subsection (b).

Section 207.318(b)(4) was added.

Section 207.504(a) was amended by adding to the definition of "b".

Section 207.510(a) was amended to add specificity.

Section 207.510(a)(2)(B) was amended and split into (B) and (C), the remaining subsections were renumbered.

Section 207.510(a)(2)(G) was added.

Section 207.606(d) was amended to add a reference to the Board's

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULE

procedural rules.

Subpart I was retitled

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? JCAR did not issue an agreements letter as this rule is exempt from the Administrative Procedure Act. See 625 ILCS 5/13B-30(d)(1998).

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rule: For more information concerning this rulemaking see the Board's opinion and order of June 8, 2000 in 800-16 available at the addresses below. This rulemaking adopts a new Part at 35 Ill. Adm. Code 207 to establish a voluntary program to allow persons that wish to engage in vehicle scrapage activities to obtain emissions reduction credits. Vehicle scrapage activities can result in reduced emissions of air pollutants by removing older, higher emitting vehicles from service before the vehicle's natural retirement date. The proposed vehicle scrapage program achieves emissions reductions based on the difference between emissions that would have been generated from a retired vehicle over its remaining useful life and the emissions that will be generated by a replacement vehicle, if any, for this period. Participation in these programs and projects is voluntary and the emissions credits earned can be sold as a part of the emissions reduction market system at 35 Ill. Adm. Code 205.

The rulemaking proposal was filed January 6, 2000 by the Illinois Environmental Protection Agency pursuant to Section 13B-30(d) of the Vehicle Emissions Inspection Law of 1995 (Vehicle Emissions Law). 625 ILCS 5/13B-30(d) (1998). Section 13B-30(d) of the Vehicle Emissions Law states in part that Section 27(b) of the Act [415 ILCS 5/27(b) (1998)] and the rulemaking provisions of the Administrative Procedure Act [5 ILCS 100/1-1 et seq.(1998)] "shall not apply to rules adopted by the Board under this subsection (d)." 625 ILCS 5/13B-30(d) (1998). Accordingly, the Board did not request that the Department of Commerce and Community Affairs conduct an economic impact study of the proposed rule pursuant to Section 27(b) of the Act. Nor did the Board submit the proposed rule for first or second notice pursuant to Section 5-40 of the Administrative Procedure Act [5 ILCS 100/5-40 (1998)]. The Board did, however, submit the proposal for public comment for publication in the *Illinois Register* and the Board held two public hearings on this rule. The first hearing was held in Springfield on March 1, 2000 and the second was held in Chicago on March 24, 2000.

16) Information and questions regarding this adopted rule shall be directed

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULE

to:

Marie Tipsword
100 W. Randolph Street
State of Illinois Center
Suite 11-500
Chicago, IL 60601
(312) 814-4925

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address above and also are available from the Board's Web site at <http://www.ipcb.state.il.us>. Please refer to the Docket number R00-16 in your request.

The full text of the adopted rules begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULE

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER b: ALTERNATIVE REDUCTION PROGRAMS

PART 207
VEHICLE SCRAPPAGE ACTIVITIES

SUBPART A: GENERAL PROVISIONS

Section	Purpose
207.100	Definitions
207.102	Severability
207.104	

SUBPART B: APPLICABILITY

Section	Applicability
207.200	

SUBPART C: REQUIREMENTS OF VEHICLE SCRAPPAGE PROJECTS AND PROGRAMS

Section	Scope
207.300	Vehicle Scrappage Sponsors and Managers
207.302	Vehicle Eligibility
207.304	Vehicle Ownership
207.306	Notification of Intent to Retire Vehicles
207.308	Notification to Vehicle Collectors and Automotive Rebuilders and Suppliers
207.310	Operability Check
207.312	Collection and Testing
207.314	Disassembly, Recycling and Disposal Based on Vehicle Scrappage Activities
207.316	Documentation Requirements
207.318	

SUBPART D: OPTIONS FOR VEHICLE SCRAPPAGE PROJECTS AND PROGRAMS

Section	Optional Project or Program Enhancements
207.400	Targeting of Vehicles by Model Year
207.402	Targeting of High Emissions Vehicles
207.404	Targeting of High Usage Vehicles
207.406	Use of Enhanced Prescreening Inspection
207.408	Use of Evaporative System Integrity Test
207.410	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULE

SUBPART E: MEASUREMENT TECHNIQUES AND CER CALCULATION AND REVIEW

Section

- 207.500 Vehicle Scrapage as a Basis for CERs
- 207.502 Methods for Determining Emissions Reductions
- 207.504 CER Calculation Methodology
- 207.506 CER Adjustments
- 207.508 Remaining Useful Life of Vehicles and Lifetime of CERs
- 207.510 Submission and Agency Review of CER Claims
- 207.512 CERs Based on Agency Sponsored Vehicle Scrapage Activities

SUBPART F: VEHICLE SCRAPAGE PLAN CRITERIA, SUBMITTAL, REVIEW AND SUPPLEMENTAL NOTICE PROCEDURE

Section

- 207.600 Proposed Vehicle Scrapage Plans
- 207.602 Submittal of Proposed Vehicle Scrapage Plans
- 207.604 Notice of Proposed Vehicle Scrapage Plans
- 207.606 Agency Review of Proposed Vehicle Scrapage Plans
- 207.608 Notice of Commencement of Vehicle Scrapage Activities
- 207.610 Supplemental Notices Pursuant to Approved Vehicle Scrapage Plans
- 207.612 Plans for Agency Sponsored Projects or Programs

SUBPART G: VEHICLE SCRAPAGE SPONSOR AND MANAGER ELIGIBILITY, TRAINING AND APPLICATION PROCEDURE

Section

- 207.700 Qualifications for Vehicle Scrapage Managers
- 207.702 Financial Responsibility of Vehicle Scrapage Sponsors

SUBPART H: VEHICLE SCRAPAGE PLAN FEES

Section

- 207.800 Vehicle Scrapage Plan and Plan Renewal Fees
- 207.802 Form of Payment
- 207.804 Non-Refundability of Fees and Credits for Overpayments
- 207.806 Fee Exemption for Agency Sponsored Vehicle Scrapage Programs

SUBPART I: ENFORCEMENT AND PENALTIES

Section

- 207.900 Enforcement
- 207.902 Agency Right of Inspection
- 207.904 Agency Right to Revoke Approval of Plan

AUTHORITY: Implementing and authorized by the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/13B-30(d)] and the Illinois Environmental Protection Act

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULE

[415 ILCS 5/5, 10, 27, 28 and 39].

SOURCE: Adopted in R00-16 at 24 Ill. Reg. 8979, effective June 14, 2000.

SUBPART A: GENERAL PROVISIONS

Section 207.100 Purpose

- a) This Part sets forth the procedures and performance requirements to be followed when conducting vehicle scrapage activities within the State of Illinois for the purpose of receiving Creditable Emissions Reductions (CERs).
- b) This Part is designed to achieve the following objectives:

- 1) Provide an option for regulated sources and interested parties to achieve emissions reductions;
- 2) Ensure compatibility with applicable guidance for vehicle scrapage activities developed by the United States Environmental Protection Agency (USEPA);
- 3) Provide vehicle scrapage training to help ensure that vehicle scrapage activities conducted to generate CERs are only managed by qualified individuals; and
- 4) Strike an equitable balance among various parties that may be interested in vehicle scrapage, including regulated sources, potential sponsors of scrapage activities, owners of vehicles eligible to be scrapped, vehicle collectors, automotive rebuilders and other interest groups.

Section 207.102 Definitions

Unless otherwise specified in this Part and unless a different meaning of a term is clear from its context, the definitions for the terms used in this Part shall be the same as those found in the Environmental Protection Act [415 ILCS 5] or in 35 Ill. Adm. Code 211 or 240. As used in this Part, the following terms have the meanings set forth below:

"Creditable Emissions Reductions" or "CER" means a unit of emissions reductions based on vehicle retirement activities in accordance with an Agency-approved vehicle scrapage plan.

"Eligible vehicle" means any vehicle that qualifies for retirement in a vehicle scrapage project or program as specified in Section 207.304 of this Part.

"Emissions-related parts" means the engine and other vehicle parts involved with fuel intake, combustion, exhaust, or the control of the evaporation of fuel, which have a direct relation to the type or quantity of emissions produced by the vehicle.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULE

"IM240 Test" means a transient loaded mode exhaust test procedure, as specified in 35 Ill. Adm. Code 276, designed to measure mass quantities of vehicle exhaust emissions of hydrocarbons, carbon monoxide, carbon dioxide and oxides of nitrogen generated during vehicle operation on a chassis dynamometer.

"Light-duty truck 1" means a motor vehicle rated at 6000 pounds maximum gross vehicle weight rate (GVWR) or less and which has a vehicle frontal area of 45 square feet or less, and which is designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or is designed primarily for transportation of persons and has a capacity of more than 12 persons, or is available with special features enabling off-street or off-highway operation and use.

"Light-duty truck 2" means a motor vehicle rated between 6001 and 8500 pounds maximum GVWR and which has a vehicle frontal area of 45 square feet or less, and which is designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or is designed primarily for transportation of persons and has a capacity of more than 12 persons, or is available with special features enabling off-street or off-highway operation and use.

"Light-duty vehicle" means a passenger car or passenger car derivative capable of seating twelve passengers or fewer.

"Non-emissions-related parts" means vehicle parts not involved with fuel intake, combustion or exhaust, or the control of evaporation of fuel, and which do not have a direct relation to the type or quantity of emissions produced by the vehicle.

"Recognized repair technician" means a person professionally engaged in vehicle repair, employed by a going concern whose purpose is the repair of vehicles, or possessing a nationally recognized certification for emissions-related diagnosis and repair.

"Vehicle retirement" means the permanent rendering of an eligible vehicle into an inoperable condition, in accordance with this Part and a vehicle scrappage plan.

"Vehicle scrappage" means activities related to the retirement of eligible vehicles for the purpose of receiving CERS under this Part.

"Vehicle scrappage manager" means a natural person who satisfies all qualification requirements specified in Section 207.700 of this Part and is eligible to conduct vehicle scrappage activities pursuant to this Part.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULE

"Vehicle scrappage plan" means a type of plan that satisfies all applicable requirements of Subpart F of this Part, and has been approved or sponsored by the Agency, under which the vehicle scrappage activities for the applicable vehicle scrappage project or program must be conducted.

"Vehicle scrappage program" means periodic or ongoing vehicle scrappage activities conducted in accordance with the applicable requirements of this Part and a vehicle scrappage plan.

"Vehicle scrappage project" means a one-time vehicle scrappage event conducted in accordance with the applicable requirements of this Part and a vehicle scrappage plan.

"Vehicle scrappage sponsor" means any interested person or entity that satisfies all of the requirements of Section 207.702 of this Part and financially underwrites a vehicle scrappage project or program conducted under this Part.

Section 207.104 Severability

If any Section, subsection, sentence or clause of this Part is judged invalid, such adjudication shall not affect the validity of this Part as a whole or any Section, subsection, sentence or clause thereof not judged invalid.

SUBPART B: APPLICABILITY**Section 207.200 Applicability**

This Part applies to vehicle scrappage activities in the State of Illinois conducted to receive CERS and to all persons or entities that are, or desire to be, vehicle scrappage managers, sponsors, or other participants.

SUBPART C: REQUIREMENTS OF VEHICLE SCRAPPAGE PROJECTS AND PROGRAMS**Section 207.300 Scope**

Each vehicle scrappage project or program conducted pursuant to the provisions of this Part must satisfy all of the requirements specified in this Subpart.

Section 207.302 Vehicle Scrappage Sponsors and Managers

Each vehicle scrappage project or program shall be financially underwritten by a vehicle scrappage sponsor who satisfies all of the requirements of Section 207.702 of this Part, and shall be directed by a vehicle scrappage manager who satisfies all of the requirements of Section 207.700 of this Part.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULE

Section 207.304 Vehicle Eligibility

Each vehicle that is retired in a vehicle scrappage project or program shall satisfy the following criteria:

- a) Be a light-duty vehicle, light-duty truck 1 or light-duty truck 2;
- b) Shall not be from a model year 25 years old or older;
- c) Have been continuously registered with the Illinois Secretary of State for the 12 month period immediately prior to the date of its sale for use in a vehicle scrappage project or program;
- d) If the vehicle will be used to claim CERs that are intended to address a specific pollution problem (e.g., ozone nonattainment), the vehicle must have been registered at an address within an area where emissions reductions are required for the applicable pollutant or pollutant precursor for the 12 month period immediately prior to the date of its sale for use in a vehicle scrappage project or program;
- e) Be legally driven to the collection site and have the applicable equipment required to drive the vehicle on any highway as specified in Chapter 12 of the Illinois Vehicle Code [625 ILCS 5/12];
- f) Be powered by a spark ignition internal combustion engine;
- g) Have arrived at the place of sale under its own power;
- h) Have passed the operability check specified in Section 207.312 of this Subpart; and
- i) Be in compliance with the Illinois vehicle emissions testing program as specified by the Illinois Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/13B] and regulations promulgated thereunder.

Section 207.306 Vehicle Ownership

- a) Each vehicle retired pursuant to a vehicle scrappage project or program must have a valid, legally transferable title.
- b) An owner listed on the title, a legal representative of the owners, or, if the owner is an entity, an agent of the entity must appear at the collection site with the vehicle at the time of its sale to a vehicle scrappage project or program.
- c) It shall be the responsibility of the vehicle scrappage sponsor or manager to provide the Illinois Secretary of State with all vehicle transfer records necessary to document the proper transfer and retirement of vehicles that are scrapped. The Agency assumes no responsibility for documentation or legality of transfer of vehicle titles.

Section 207.308 Notification of Intent to Retire Vehicles

- a) If the vehicle scrappage plan targets certain vehicles, as provided in Subpart D of this Part, the vehicle scrappage manager or sponsor may request that the Agency provide notice of the applicable vehicle scrappage activities to owners of vehicles that meet the specifications in the plan. This notice will provide information to

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULE

allow the vehicle owners to contact the relevant vehicle scrappage sponsor or manager for more information about the proposed vehicle scrappage activities.

- b) If a vehicle scrappage manager or sponsor does not request the Agency to provide notification as provided in subsection (a) of this Section, the vehicle scrappage sponsor or manager must notify owners of the vehicles that are prospective candidates for retirement of the proposed vehicle scrappage activities. Notification may be provided by general public notification methods.
- c) Any notification provided to vehicle owners by vehicle scrappage sponsors or managers must, at a minimum, convey the following information:
 - 1) That participation in the program or project is strictly voluntary;
 - 2) The name and address of the vehicle scrappage sponsor or manager;
 - 3) All conditions that the vehicle owner and the vehicle itself must satisfy in order to participate in the vehicle scrappage project or program;
 - 4) The amount of money that is being offered to the owner by the vehicle scrappage sponsor or manager for the purchase of the owner's vehicle if all conditions of vehicle eligibility are met;
 - 5) That the identification of the owner's vehicle as a candidate for retirement does not constitute an allegation of any environmental or other violation by that owner; and
 - 6) A clear statement that the notice is being provided by that sponsor or manager, not by the Agency or by another governmental entity, unless the Agency is the vehicle scrappage sponsor.

Section 207.310 Notification to Vehicle Collectors and Automotive Rebuilders and Suppliers

- a) The Agency will make available to vehicle scrappage sponsors or managers a list of recognized vehicle collector associations and persons normally engaged in either the business of rebuilding vehicle parts or supplying such parts to rebuilders that may be interested in purchasing vehicles collected under projects and programs. Recognized vehicle collector associations and persons normally engaged in either the business of rebuilding vehicle parts or supplying such parts to rebuilders must submit a written request to the Agency for inclusion on the list.
- b) Vehicle scrappage sponsors or managers shall provide notification of the availability of vehicles to be retired by either posting notice on the Internet or providing written notice to the persons or entities identified by the Agency on the list specified in subsection (a) of this Section. Vehicles may not be retired until 21 days after the notification required by this subsection is provided.
- c) A vehicle scrappage manager or sponsor may utilize Agency capabilities

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULE

to provide the notification required under this Section on the Internet.

d) Vehicle scrapage sponsors and managers may sell vehicles to interested persons in lieu of retiring the vehicle for CERS. Vehicle scrapage managers and sponsors remain eligible for CERS if non-emissions-related parts are sold to interested persons or emissions-related parts are sold to either vehicle collectors or persons normally engaged in either the business of rebuilding vehicle parts or supplying such parts to rebuilders, provided that disassembly of emissions-related parts has been performed as specified in Section 207.316(e) of this Subpart. If a vehicle or emissions-related parts from a vehicle are resold without disassembly as specified in Section 207.316(e) of this Subpart, CERS may not be claimed for the vehicle.

Section 207.312 Operability Check

Each vehicle that is to be retired pursuant to this Part shall pass an operability check prior to purchase and collection. The operability check shall include, at a minimum:

- a) Start-up of the vehicle;
- b) Test-drive of the vehicle for five or more feet in forward gear;
- c) Test-off of the vehicle for five or more feet in reverse gear;
- d) Shut-off of the vehicle; and
- e) Visual inspection for fluid leakage or any malfunction or other damage that would render the vehicle unsuitable for normal operation.

Section 207.314 Collection and Testing

- a) Each vehicle that is purchased and collected by a vehicle scrapage sponsor or manager shall be photographed at the collection site, along with all owners or representatives or agents of the owners of the vehicle that are present. Each vehicle shall also be marked with a unique identification number that is visible in the photograph.
- b) After arrival at the collection site, a vehicle scrapage sponsor or manager shall take adequate measures to ensure that a vehicle that is to be retired is not adjusted, repaired or tampered with in any way until any testing has been completed. If non-emissions-related parts are no longer in operable condition after the vehicle is collected and passes the operability requirements in Section 207.312 of this Subpart, repairs may be made if needed to allow testing (e.g., batteries, tires). No parts may be removed from any vehicle prior to the completion of any testing.
- c) The mileage indicated on the odometer must be recorded at the time of collection.
- d) If vehicles to be retired must undergo emissions testing pursuant to the applicable vehicle scrapage plan and are not tested within 45 calendar days after collection of the vehicle, any CERS claimed which are attributable to that vehicle will be discounted by ten percent.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULE

If emissions testing is not conducted within 90 calendar days after collection of vehicles, vehicle scrapage managers and sponsors will be able to claim CERS only on the basis of modeled emissions.

- e) In lieu of performing emissions testing on a vehicle, vehicle scrapage managers and sponsors may use the most recent emissions test results for that vehicle from an Agency administered IM240 Test conducted under the Illinois vehicle emissions test program established and operated pursuant to the Vehicle Emissions Inspection Law of 1995 (625 ILCS 5/138), provided that such test was performed no more than 90 calendar days before collection of the vehicle.

Section 207.316 Disassembly, Recycling and Disposal Based on Vehicle Scrapage Activities

- a) All vehicles for which CERS are claimed shall be crushed or otherwise recycled or ultimately disposed of in accordance with this Section, the applicable vehicle scrapage plan and the schedule specified in that plan.
- b) Any residual materials or wastes that are derived from the permanent retirement of vehicles, including all fluids, gases and environmentally sensitive materials, shall be recycled or disposed of in an environmentally sound manner, in conformity with the applicable vehicle scrapage plan and in accordance with all Federal and State laws and regulations.
- c) Used tires derived from the permanent retirement of vehicles shall be recycled or ultimately disposed of in accordance with Title XIV of the Environmental Protection Act (415 ILCS 5/53-55.15) and regulations promulgated thereunder.
- d) Non-emissions-related parts may be resold or recycled.
- e) Vehicle scrapage managers, sponsors and scrap yards identified in vehicle scrapage plans may resell or recycle emissions-related parts (including engines) to vehicle collectors or to persons normally engaged in either the business of rebuilding vehicle parts or normally engaged in supplying such parts to rebuilders, provided the following requirements are met:
 - 1) The engine must be disassembled into the cylinder head, block, crankshaft and connecting rods; and
 - 2) All other emissions-related parts must be disassembled into their major components.
- f) Any recycling of emissions-related or non-emissions-related parts shall be conducted in conformity with a vehicle scrapage plan expressly providing for appropriate disassembly, rebuilding or reconditioning, if applicable, and sale.

Section 207.318 Documentation Requirements

- a) Each vehicle scrapage sponsor or manager shall maintain records for at least five years of all vehicle scrapage activities conducted as

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULE

specified in the applicable vehicle scrapage plan, including the following information:

- 1) Identification of eligible vehicles accepted in the vehicle scrapage project or program, including the vehicle identification number and documentation indicating that these vehicles meet the eligibility criteria specified in Section 207.304 of this Subpart;
- 2) Documentation to verify vehicle ownership and appropriate transfer of ownership for all eligible vehicles, as specified in Section 207.306 of this Subpart;
- 3) Photographic documentation relative to vehicle collection activities, as specified in Section 207.314(a) of this Subpart;
- 4) Records verifying mileage for each vehicle, as specified in Section 207.314(c);
- 5) Documentation of all vehicle testing performed in accordance with the applicable vehicle scrapage plan and Section 207.314 of this Subpart and Section 207.502 of this Part;
- 6) All records and supporting documentation related to any calculations of emissions that are performed;
- 7) Documentation of all vehicle disassembly, recycling and disposal activities, as specified in Section 207.316 of this Subpart, including any waste disposal manifests or receipts obtained from scrap yards, recyclers or disposal facilities evidencing recycling or disposal of all residual materials and wastes derived from vehicle scrapage;
- 8) If emissions-related parts are resold or recycled, documentation demonstrating that appropriate disassembly has occurred, as specified in Section 207.316(e) of this Subpart; and
- 9) Documentation supporting the use of any enhanced vehicle scrapage options such as the options described in Subpart D.

- b) Vehicle scrapage sponsors or managers shall:
 - 1) Maintain all records required under this Part at one location within Illinois;
 - 2) Maintain a copy of the applicable vehicle scrapage plan at the site of each vehicle scrapage activity;
 - 3) Make a copy of all documentation required to be maintained pursuant to this Part available to Agency representatives for inspection upon request; and
 - 4) Submit to the Agency a copy of any of the documentation required to be maintained pursuant to this Part, upon request by the Agency.

SUBPART D: OPTIONS FOR VEHICLE SCRAPAGE PROJECTS AND PROGRAMS

Section 207.400 Optional Project or Program Enhancements

Vehicle scrapage sponsors and managers proposing to conduct vehicle scrapage projects or programs may include options in proposed plans that exceed the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULE

requirements of Subpart C of this Part. The options contained in this Subpart are examples of possible options. Vehicle scrapage sponsors and managers of proposed vehicle scrapage programs or projects shall identify any options in their proposed vehicle scrapage plans and shall specify the rationale and any supporting information which would indicate that the proposed options will generate greater emissions reductions or more reliable documentation of any claimed CERs.

Section 207.402 Targeting of Vehicles by Model Year

Vehicle scrapage plans may be limited to include only eligible vehicles from specific model years.

Section 207.404 Targeting of High Emissions Vehicles

Vehicle scrapage plans may include only eligible vehicles with demonstrated high emissions. A certificate of waiver under 35 Ill. Adm. Code 276.403 or test results, pursuant to the vehicle inspection and maintenance program administered under the Vehicle Inspection Law of 1995 (625 ILCS 5/13B), may demonstrate that a vehicle has high emissions.

Section 207.406 Targeting of High Usage Vehicles

Vehicle scrapage plans may be limited to eligible vehicles that have been driven at least a specified number of miles per year.

Section 207.408 Use of Enhanced Prescreening Inspection

Vehicle scrapage plans may include operability inspections of vehicles which are to be retired beyond the operability requirements specified in Section 207.312 of this Part with the intent of determining the probable recent use patterns of a vehicle and the remaining useful life of that vehicle. Such inspections shall be conducted and certified by a recognized repair technician, as defined in Section 207.102 of this Part.

Section 207.410 Use of Evaporative System Integrity Test

Vehicle scrapage plans may include an evaporative system integrity test to determine the ability of each vehicle's system to recycle vapors. The results of these tests may be used to characterize the functional status of the vehicle's evaporative control system for use as an input to USEPA's MOBILE model. If the applicable vehicle scrapage plan is for a vehicle scrapage project, the evaporative system integrity test administered at an official vehicle emissions test station of the Agency pursuant to 625 ILCS 5/13B-10 must be used to measure evaporative emissions. Vehicle scrapage plans for programs may specify the use of the evaporative system test administered at an official test station of the Agency or the use of another test.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULE

SUBPART E: MEASUREMENT TECHNIQUES AND
CER CALCULATION AND REVIEW**Section 207.500 Vehicle Scrappage as a Basis for CERs**

Vehicle scrappage sponsors and managers may receive CERs for emissions reductions achieved based on vehicle scrappage activities conducted pursuant to this Part in accordance with the requirements specified in this Subpart. CERs may be used in conjunction with an emissions reduction program or as new source review offsets under 35 Ill. Adm. Code 203 to the extent that the recognition or use of CERs is allowed under and fulfills the requirements of the applicable rule.

Section 207.502 Methods for Determining Emissions Reductions

- a) Emission rates from both retired and replacement vehicles must be either measured (measure/measure method), modeled (model/model method), or a combination of measurement and modeling (measure/model method). The vehicle scrappage sponsor or manager shall propose the measurement and/or modeling techniques to be used in the applicable vehicle scrappage plan.
- b) Modeled emission rates for retired and replacement vehicles must be calculated using the USEPA MOBILE model, as applied in accordance with USEPA guidance for MOBILE model use for vehicle scrappage activities.
- c) The IM240 Test shall be used for any measured VOM emission rate determinations.
- d) The remaining useful life of retired vehicles is limited to three years.

Section 207.504 CER Calculation Methodology

- a) Except as provided in subsection (b) of this Section, the following formula shall be used to calculate proposed CERs:

$$CER = [\text{sigma}] \{ [(a)(b)(c)] - [(d)(e)(c)] \} (1 - (f/100)) / (1000)$$

Where:

- a represents the retired vehicle emissions in grams/mile
- b represents miles per year traveled by the retired vehicle based on recent usage, as established in accordance with Section 207.510(a)(2)(B)
- c represents remaining life of the retired vehicle in years
- d represents the replacement vehicle emissions in grams/mile
- e represents miles per year traveled by the replacement vehicle (which shall be equal to or greater than "b", unless demonstrated otherwise in a vehicle scrappage plan)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULE

- f represents the environmental discount factor that must be applied, pursuant to Section 207.506 of this Subpart, if applicable.

CER represents a creditable emissions reduction unit in kilograms.

- b) Vehicle scrappage sponsors and managers may request Agency approval to deviate from the general formula in subsection (a) of this Section to calculate CERs in their proposed vehicle scrappage plan. This request must demonstrate that the deviation is necessary based on elements of the proposed vehicle scrappage project or program.

Section 207.506 CER Adjustments

- a) If the vehicle scrappage plan provides that the emissions of both retired and replacement vehicles are to be modeled (model/model method), the total value of CERs claimed shall be:
 - 1) Reduced by 20 percent to account for the natural retirement of vehicles; and
 - 2) Discounted by an additional 5 percent.
- b) If the vehicle scrappage plan provides that emissions of vehicles to be retired are to be measured and emissions of replacement vehicles are to be modeled (measure/model method), the total value of CERs claimed shall be reduced by 10 percent to account for the natural retirement of vehicles, unless enhanced prescreening inspection is conducted, as provided in Section 207.408 of this Part. If enhanced prescreening is conducted, no reduction to CERs claimed shall be assessed, except as provided in Section 207.314(d) of this Part.
- c) Except as provided in Section 207.314(d) of this Part, if the vehicle scrappage plan provides that emissions of both retired and replacement vehicles are to be measured (measure/measure method), no reduction to the value of CERs claimed shall be assessed.

Section 207.508 Remaining Useful Life of Vehicles and Lifetime of CERs

- a) If emissions from retired vehicles are modeled, the remaining useful life of retired vehicles shall be three years.
- b) If emissions from retired vehicles are measured, the remaining useful life of retired vehicles shall be a minimum of two years. Vehicle scrappage sponsors and managers may demonstrate to the Agency that a remaining useful life of more than two years should apply to CERs generated using a measure/model or a measure/measure method. To make this demonstration, the vehicle scrappage sponsor or manager shall provide the Agency with sufficient information to substantiate that a greater remaining useful life of retired vehicles is justified.
- c) CERs are valid for the same period as the remaining useful life of the retired vehicle as specified in this Section.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULE

Section 207.510 Submission and Agency Review of CER Claims

- a) Except as provided in Section 207.512 of this Subpart, a vehicle scrapage sponsor or manager must submit a CER claim to the Agency for review within 120 days of completion of vehicle collection for vehicle scrapage projects or quarterly for a vehicle scrapage program. The following information must be included in each CER claim, in addition to any information required in the applicable vehicle scrapage plan:
- 1) The amount of CERs claimed to have been generated by vehicle retirement; and
 - 2) Sufficient calculations and supporting documentation to substantiate such claim, including:

- A) Identification (i.e., make, model year and vehicle identification number) of retired vehicles upon which the claim is based;
- B) Estimates of recent mileage for each retired vehicle based on data recorded in the most recent two years or on established mileage estimation methods;
- C) Mileage for each replacement vehicle, which may not be less than the mileage estimated for the retired vehicle unless demonstrated otherwise in a vehicle scrapage plan;
- D) The method used to determine emissions from each retired and replacement vehicle;
- E) The method used to identify replacement vehicles;
- F) Any discounting of CERs required by this Part; and
- G) A log identifying for each returned vehicle whether enhanced options or disassembly and recycling were used.

- b) CERs may not be claimed for a vehicle until it has been acquired and retired by the vehicle scrapage sponsor or manager.

- c) CERs may be claimed on a lump sum basis for the total aggregate emissions reduction over the remaining useful life of the retired vehicle(s), or allocated on an annual basis over the remaining useful life, not to exceed the total aggregate emissions reduction.

- d) Except for Agency sponsored projects or programs, a vehicle scrapage manager, vehicle scrapage sponsor, or, if the vehicle scrapage sponsor is an entity, the responsible official of the entity submitting a CER claim for Agency review pursuant to this Subpart shall make the following statement as part of the claim:

I certify that the information submitted in this CER claim is, to the best of my knowledge and belief, true, accurate and complete. I am aware that I may be subject to enforcement pursuant to the Environmental Protection Act if any information submitted in this CER claim is determined to be false or misleading.

- e) Except as provided in Section 207.512 of this Subpart, the Agency will review each CER claim submitted and will issue its written determination regarding how many CERs have been generated, if any.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULE

within 45 calendar days after the Agency's receipt of a complete claim. CERs are not valid until the Agency has completed its CER determination and notified the vehicle scrapage sponsor or manager in writing of its determination of the amount of CERs generated.

Section 207.512 CERs Based on Agency Sponsored Vehicle Scrapage Activities

If the Agency generates CERs based on vehicle scrapage activities it has sponsored, it shall develop and maintain documentation to substantiate the CERs generated, including the information specified in Section 207.510(a)(2) of this Subpart.

SUBPART F: VEHICLE SCRAPAGE PLAN CRITERIA, SUBMITTAL, REVIEW
AND SUPPLEMENTAL NOTICE PROCEDURE

Section 207.600 Proposed Vehicle Scrapage Plans

No vehicle scrapage project or program may be conducted within Illinois pursuant to this Part without Agency approval or sponsorship of a vehicle scrapage plan designed to cover that specific vehicle scrapage project or program.

Section 207.602 Submittal of Proposed Vehicle Scrapage Plans

- a) A vehicle scrapage sponsor or manager may submit a proposed vehicle scrapage plan to the Agency. Each proposed vehicle scrapage plan shall, at a minimum, include:

- 1) The name and address of the vehicle scrapage sponsor and manager that will be responsible for the vehicle scrapage project or program;
- 2) Proof that the vehicle scrapage sponsor identified in the plan meets the financial responsibility requirements of Section 207.702 of this Part;
- 3) Proof that the vehicle scrapage manager has fulfilled the applicable requirements in Section 207.700 of this Part;
- 4) The estimated number of vehicles to be retired during the course of the proposed project or program;
- 5) The locations to be used for all proposed vehicle scrapage activities;
- 6) The name and address of any person or entity to be used to perform any of the proposed activities, including, but not limited to, any scrap yard, recycling or disposal facility proposed to be used;
- 7) A schedule identifying key dates of the proposed project or program, including the planned dates for: notification to owners of vehicles; purchase of vehicles; measurement of emissions, if any; retirement of vehicles; and completion of the project or program;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULE

- 8) Method of notification to owners of vehicles that are candidates to sell their vehicles in accordance with Section 207.308 of this Part;
- 9) Procedures to be used for collection and testing, if any, of vehicles to be retired in accordance with Section 207.314 of this Part;
- 10) Procedures, if any, for disassembly, rebuilding or reconditioning, and resale of vehicle parts to eligible persons, in accordance with Section 207.316 of this Part;
- 11) Procedures for recycling or disposal of all residual materials and wastes generated from the permanent retirement of vehicles, in accordance with Section 207.316(b) of this Part;
- 12) Method of determining what replacement vehicles are obtained by owners whose vehicles have been retired;
- 13) Method for measuring or modeling emissions of applicable pollutants for vehicles purchased for retirement and for replacement vehicles, in accordance with Section 207.502 of this Part;
- 14) Method for calculation of any CERs that may be generated by the project or program, in accordance with Section 207.504 of this Part;
- 15) If the vehicle scrappage plan is for a vehicle scrappage program, identification of any options that will be used to generate greater emissions reductions or produce more reliable documentation, as provided in Subpart D of this Part, and sufficient justification that the options proposed will achieve these objectives. Additionally, if the use of enhanced prescreening inspection is proposed, as specified in Section 207.408 of this Part, the recognized repair technician who will be used must be identified and information verifying that the technician qualifies as a recognized repair technician must be included;
- 16) If the vehicle scrappage plan is for a vehicle scrappage project, the vehicle sponsor or manager is not required to obtain prior approval from the Agency for its use of the options described in Subpart D of this Part, but must maintain documentation to support its use of such options.
- b) In addition to the information specified in subsection (a) of this Section, the Agency may request additional information from the vehicle scrappage sponsor or manager as needed to determine if the vehicle scrappage plan meets the requirements of this Part.
- c) Each vehicle scrappage manager and sponsor, or, if the vehicle scrappage sponsor is an entity, a responsible official of the entity, submitting a proposed plan for Agency approval shall make the following statement as part of the submission to the Agency:
- I certify that the information submitted in this proposed vehicle scrappage plan is, to the best of my knowledge and belief, true,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULE

accurate and complete, based on reasonable inquiry. I am aware that I may be subject to enforcement under the Environmental Protection Act and may be disqualified from conducting or sponsoring scrappage projects or programs in the State of Illinois, pursuant to 35 Ill. Adm. Code part 207, if any information submitted in this proposed vehicle scrappage plan is determined to be false or misleading.

Section 207.604 Notice of Proposed Vehicle Scrappage Plans

- a) Within 14 days after submitting a vehicle scrappage plan to the Agency, the vehicle scrappage manager or sponsor that submitted the plan shall cause, at its own expense, the publication of notice by advertisement in a newspaper of general circulation in the area where the collection site for vehicles to be retired is located or, if the vehicle scrappage sponsor is a source, the notice shall be in a newspaper of general circulation in the area the source is located.
- b) The notice shall be titled "Notice of Proposed Vehicle Scrappage Plan. Submission to the Illinois Environmental Protection Agency."
- c) The notice shall contain the name and address of the proposed sponsor and the address of the proposed vehicle collection location.
- d) The notice shall state the following: "Any person may review the proposed plan, to the extent allowed by applicable laws and regulations, by contacting the Illinois Environmental Protection Agency. Any person may submit comments to the Illinois Environmental Protection Agency and request a hearing. Comments and requests for hearing must be submitted in writing to Illinois EPA at:

Public Information for the Bureau of Air
Illinois Environmental Protection Agency
P.O. Box 19276
Springfield, Illinois 62794

These comments and requests for a hearing must be received by the Illinois EPA within 21 days after the date of publication.

- e) The Agency will determine whether to hold a hearing on any vehicle scrappage plan in accordance with 35 Ill. Adm. Code 252.205. Any hearing on a proposed vehicle scrappage plan shall be conducted in accordance with the Agency's "Procedures for Permit and Closure Plan Hearings" (35 Ill. Adm. Code 166: Subpart A, Informational Permit and Closure Plan Hearings).

Section 207.606 Agency Review of Proposed Vehicle Scrappage Plans

- a) The Agency will approve or disapprove the proposed vehicle scrappage plan within 90 calendar days after the Agency's receipt of a complete proposed plan, except that this time period is extended to 180 days when a hearing is held, as provided in Section 207.604(e) of this

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULE

Subpart.

- b) A proposed plan will be deemed complete within 30 days after receipt by the Agency unless the Agency provides written notification to the applicant of its determination that the plan is incomplete. A proposed plan will be deemed complete if it includes information addressing each of the applicable elements required under this Section. A notification of incompleteness shall specifically identify the deficiencies with the plan identified by the Agency. After a plan has been deemed complete, the Agency may request additional information as needed to complete its review of the proposed plan.
- c) Upon receipt of a notice of approval from the Agency, the vehicle scrappage sponsor or manager who submitted the plan may proceed to implement it pursuant to the schedule specified in the plan.
- d) Upon receipt of a notice of disapproval from the Agency, the person who submitted the plan may request that the Board review the Agency's determination. Such review will be filed pursuant to 35 Ill. Adm. Code 105.
- e) Any plan that identifies a scrap yard, recycling or disposal facility for use in the applicable vehicle scrappage project or program that has violated any requirement specified in this Part may be disapproved by the Agency. The Agency will notify the vehicle scrappage plan applicant in writing of this deficiency with the plan and afford the applicant a reasonable period to identify another scrap yard, recycling or disposal facility to use for its vehicle scrappage activities prior to disapproving the plan.

Section 207.608 Notice of Commencement of Vehicle Scrappage Activities

The vehicle scrappage manager or sponsor must submit written notification to the Agency at least 14 days prior to collecting vehicles for the project or program, indicating the date and location of vehicle collection activities.

Section 207.610 Supplemental Notices Pursuant to Approved Vehicle Scrappage Plans

A vehicle scrappage plan may be renewed if the vehicle scrappage sponsor or manager submits to the Agency a written supplemental notice of his or her intent to conduct more vehicle scrappage activities at least 60 days in advance of the intended date for notification to owners of vehicles of the opportunity to sell his or her vehicles. The supplemental notice shall reference the date and number of the already approved plan and shall update the dates and changes in collection locations. If any deviation is planned from the terms and conditions of the approved plan, other than dates or collection locations, a new proposed plan must be submitted to the Agency which shall be reviewed in the same manner and time frames provided in Section 207.606 of this Subpart.

Section 207.612 Plans for Agency Sponsored Projects or Programs

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULE

Notwithstanding the requirements in this Subpart, if the Agency sponsors a vehicle scrappage project or program, it shall develop a vehicle scrappage plan that meets the requirements of Section 207.602 of this Subpart and provide public notice of its proposed plan, as specified in Section 207.604 of this Subpart.

SUBPART G: VEHICLE SCRAPPAGE SPONSOR AND MANAGER ELIGIBILITY, TRAINING AND APPLICATION PROCEDURE

Section 207.700 Qualifications for Vehicle Scrappage Managers

- a) No person or entity may conduct a vehicle scrappage project or program without participation of a vehicle scrappage manager who meets the requirements of this Section supervising vehicle scrappage activities.
- b) Any natural person may qualify to be a vehicle scrappage manager if he or she meets the following criteria:
 - 1) Is at least eighteen years old;
 - 2) Is an American citizen or legal alien; and
 - 3) Has never been convicted of or had a final judgment entered against him or her in any State or federal court for a violation of State or federal air pollution laws or regulations, for fraud or for felony theft.
- c) Each natural person who wishes to become a vehicle scrappage manager must successfully complete the training course offered by the Agency.
 - 1) The Agency will offer the training program annually, based on need. The Agency will provide advance public notice of the time, date and location for each training course.
 - 2) The curriculum for the Agency training course will include the following subjects:
 - A) The development of acceptable vehicle scrappage plans;
 - B) Methods for CER calculations;
 - C) Procedures for modeling and measurement of emissions;
 - D) Collector vehicle and vehicle parts rebuilder provisions;
 - E) Proper vehicle disassembly and recycling of vehicle parts; and
 - F) Methods for proper recycling and/or disposal of residual materials and wastes derived from the retirement of vehicles.
 - 3) For the applicant to be authorized to manage a vehicle scrappage program, he or she must pass the examination administered by the Agency at the conclusion of each Agency training course, which will test each applicant's knowledge of the material covered in the training course.
 - 4) If an applicant fails the Agency-administered examination specified in subsection (C)(3) of this Section on the first attempt, he or she shall have the opportunity to take and pass the examination one additional time. If an applicant fails the Agency-administered examination on the second attempt, he or she

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULE

may reapply for approval to manage a vehicle scrappage program, subject to the same requirements as a first time applicant.

- 5) The Agency will offer the examination biannually, if needed. When an Agency-administered examination is to be offered at a different time than immediately following the Agency training course, the Agency will provide advance public notice of the time, date and location for the examination.

- d) Prior to conducting any vehicle scrappage activities, each natural person who wishes to be a vehicle scrappage manager must submit an application for the Agency's approval which demonstrates that he or she satisfies all of the qualifications specified in subsection (b) of this Section. Applicants may indicate that they intend to satisfy the requirements specified in subsection (c) of this Section by attending the next Agency training course and taking the examination, if applicable, at that time.

- e) The Agency will approve or disapprove a vehicle scrappage manager application in writing within 30 calendar days after the Agency's receipt of an application or at the conclusion of the Agency training course the applicant is scheduled to attend, whichever occurs later. Approval will indicate if the applicant is authorized to manage both vehicle scrappage projects and programs or only vehicle scrappage projects.

- f) Upon receipt of a notice of approval from the Agency, the applicant is considered a vehicle scrappage manager and may conduct a vehicle scrappage project or, if approved, a vehicle scrappage program in accordance with this Part. Only an approved vehicle scrappage manager may be identified as the vehicle scrappage manager in any proposed vehicle scrappage plan.

- g) Each natural person submitting an application pursuant to this Subpart shall sign and date the following statement as part of his or her application:

I certify that I satisfy all of the qualification requirements for a vehicle scrappage manager and that the information submitted in this application is, to the best of my knowledge and belief, true, accurate and complete. I am aware that I may be subject to enforcement under the Environmental Protection Act and may be disqualified from conducting vehicle scrappage activities in the State of Illinois pursuant to 35 Ill. Adm. Code 207 if any information submitted in this application is determined to be false or misleading.

- h) To retain authorization to be a vehicle scrappage manager of a vehicle scrappage program, each person approved to manage a vehicle scrappage program shall submit a renewal application to the Agency every three years on or before the date on which he or she received initial approval, and shall take a refresher training course at the next available course offered.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULE

- i) In the event a vehicle scrappage manager unexpectedly leaves that position, the vehicle scrappage sponsor may submit the application specified in subsection (d) of this Section requesting permission from the Agency to allow the substitution of a new manager for up to one year, provided that the candidate for substitution meets the qualifications contained in subsection (b) of this Section and will fulfill the remaining requirements of this Section as soon as practicable, but in any event, no later than one year from the date approval of the substitution is requested.

- j) Notwithstanding the requirements in this Section, if the Agency sponsors a vehicle scrappage project or program, it may obtain the services of a vehicle scrappage manager or designate an employee of the Agency to serve in this capacity. To qualify to manage an Agency sponsored vehicle scrappage project or program, an Agency employee must complete the training course specified in subsection (c)(2) of this Section.

Section 207.702 Financial Responsibility of Vehicle Scrappage Sponsors

Any person or entity may qualify to be a vehicle scrappage sponsor if it can demonstrate to the Agency that it has the financial resources necessary to fully complete a project or program in accordance with this Part, including, but not limited to, payment for all vehicles proposed to be retired, testing, and analytical costs associated with the proposed project or program, and proper recycling or disposal of all residual materials and wastes generated from the scrappage process, in accordance with this Part. The sufficiency of the financial resources of a potential sponsor must be demonstrated upon submittal of a proposed vehicle scrappage plan in accordance with Subpart F of this Part. A corporate entity may provide the Agency with its most recent Section 10(k) filing submitted to the U.S. Securities and Exchange Commission in order to attempt to demonstrate financial resources sufficient to conduct and complete a scrappage project or program. Corporations for which a Section 10(k) filing is not required and other entities or persons may provide the Agency with audited financial statements or other evidence of a level of capital sufficient to conduct and complete the applicable vehicle scrappage project or program, taking into account the proposed number of vehicles proposed for scrappage. If the Agency sponsors a vehicle scrappage project or program, it is not required to make the demonstration specified in this Section.

SUBPART H: VEHICLE SCRAPPAGE PLAN FEES

Section 207.800 Vehicle Scrappage Plan and Plan Renewal Fees

Each vehicle scrappage sponsor or manager submitting a proposed vehicle scrappage plan or supplemental notice renewal pursuant to Subpart D of this Part shall submit to the Agency the following fee amount:

- a) If the plan is for a vehicle scrappage project, a fee of \$250 shall be

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED RULE

- submitted with the proposed vehicle scrappage plan and with any supplemental notification;
- b) If the plan is for a vehicle scrappage program, an initial fee of \$250 shall be submitted with the proposed vehicle scrappage plan and an annual fee of \$175 shall be submitted for each 12 month period or portion thereof it is in operation thereafter. The annual fee shall be submitted to the Agency each year by the date the applicable program was approved, or
- c) If the plan requests that the Agency provide notification to owners of vehicles for retirement as provided in Section 207.308(a) of this Part, the fees listed in subsection (a) or (b) of this Section shall be increased by \$50 for the initial fee and \$25 for the annual fee, if applicable.

Section 207.802 Form of Payment

- a) All fees required under this Subpart shall be paid by check or money order payable to "Treasurer, State of Illinois," for deposit in the Environmental Protection Permit and Inspection Fund.
- b) Payment shall identify the associated vehicle scrappage sponsor, vehicle scrappage manager and proposed vehicle scrappage plan, and be sent to:

Illinois Environmental Protection Agency
Fiscal Services Center
P.O. Box 19276
Springfield, Illinois 62794-9276

Section 207.804 Non-Refundability of Fees and Credits for Overpayments

- a) Any fees received by the Agency pursuant to this Subpart in a correct amount, as specified in Section 207.800 of this Subpart, shall be not be refunded at any time or for any reason, either in part or in full.
- b) In the event that the vehicle scrappage sponsor or manager submits payment in an incorrect amount that results in overpayment, the Agency will return the overpaid amount within 90 days after discovering the overpayment.

Section 207.806 Fee Exemption for Agency Sponsored Vehicle Scrappage Projects or Programs

In the event the Agency sponsors a vehicle scrappage project or program, it shall not be subject to fees specified in this Subpart.

SUBPART I: ENFORCEMENT AND PENALTIES

Section 207.900 Enforcement

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED RULE

Any person or entity that violates any requirement of this Part shall be subject to enforcement as provided in Title XII of the Environmental Protection Act [415 ILCS 5/42-45].

Section 207.902 Agency Right of Inspection

The Agency shall be entitled to inspect any location used for any activity conducted pursuant to any approved vehicle scrappage plan in accordance with Section 4 of the Environmental Protection Act [415 ILCS 5/4].

Section 207.904 Agency Right to Revoke Approval of Plan

If any authorized representative of the Agency determines that any vehicle scrappage project or program is not being conducted in accordance with the applicable vehicle scrappage plan or this Part, the Agency may revoke its approval of the plan.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Emergency Medical Services and Trauma Center Code

2) Code Citation: 77 Ill. Adm. Code 515

Section Numbers:	Adopted Action:
515.100	Amended
515.125	Amended
515.445	Renumbered and Amended
515.2030	Amended
515.2035	New Section
515.2040	Amended
515.2045	New Section
515.2050	Amended
515.2100	Renumbered
APPENDIX A	Amended
APPENDIX C	New Section
APPENDIX G	Amended
APPENDIX H	New Section

4) Statutory Authority: Emergency Medical Services Systems Act [210 ILCS 50]

5) Effective date of amendments: June 15, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain any incorporations by reference? Yes

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal was Published in Illinois Register: September 17, 1999
- 23 Ill. Reg. 11413

10) Has JCPR issued a Statement of Objection to this amendment? No

11) Difference between proposal and final version:

The following changes were made in response to comments received during the first notice or public comment period:

1. In the definition of "Pediatric Trauma Patient" in Section 515.100, "12 years" was changed to "15 years".
2. In Section 515.445(a)(1), "and the Chicago Chapter of the American Academy of Pediatrics" was added after "Pediatrics".
3. In Section 515.2030(b), "post-residency" was added before

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

"experience".

4. In Section 515.2030(c)(1), "10 hours" was changed to "20 hours"; "per year" was changed to "every two years".

5. In Section 515.2030(c)(3), "certification" was changed to "verification".

6. In Section 515.2030(c)(4), "for Category I patients" was stricken.

7. Strikeouts were removed from Section 515.2030(e)(9).

8. In Section 515.2030(g)(5), "including intraosseous" was deleted.

9. In Sections 515.2030(f)(5), 515.2035(f)(5) and 515.2040(g)(5), "nutrition" was changed to "dietary".

10. Section 515.2030(g)(6) was amended, in part, to read ". . . thoracostomy, and cut down, peritoneal lavage, and intraosseous;".

11. In Sections 515.2030(g)(12) and 515.2040(h)(12), "Broselow Tape" was changed to "Broselow TM Pediatric Tape".

12. In Section 515.2030(i), "monthly" was deleted and strikeouts were removed from "quarterly".

13. In Section 515.2035(c), "and have 24-hour independent pediatric operating privileges" was deleted.

14. Section 515.2035(c)(3) was revised as follows:

"If the resident is fulfilling the pediatric trauma surgeon requirement, it is mandatory that the attending pediatric trauma surgeon be present for patients undergoing operative procedures by the time the surgery begins."

15. In Section 515.2035(c)(4), "pediatric surgery" was added before "resident".

16. In Section 515.2035(d)(1)(B), "or a transfer agreement" was added after "Obstetrics".

17. In Section 515.2035(e)(2), "board prepared or" was added after "is"; the comma was deleted and "or" was added; "years of" was changed to "year".

18. In Section 515.2035(e)(5)(B), "or critical care" was added after "care".

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

19. In Section 515.2035(g)(13), "with measuring device" was added after "cart"; AGENCY NOTE: Broselow TM Pediatric Tape will meet this requirement." was added.

20. A new subsection 515.2035(h) was added:

"h) The trauma service must be identified in the facility's budget, with sufficient funds dedicated to support the trauma director and trauma coordinator positions and to provide for the operation of the trauma registry."

21. A new subsection 515.2035(j) was added:

"j) A level I Pediatric Trauma Center shall meet the requirements of Section 515.2030(h)-(r) of this Part."

22. In Section 515.2040(b), "post-residency" was added before "experience".

23. In Section 515.2040(c)(1), "ten" was changed to "20" and "per year" was changed to "every two years".

24. Subsection 515.2040(c)(2) was deleted.

25. Subsection 515.2040(d)(2) was deleted.

26. In Section 515.2040(e), "10" Obsterics" was added.

27. In Section 515.2040(f)(7), "- 60 minutes" was added.

28. Subsections 515.2040(f)(9)(C)(ix) and (x) were deleted.

29. Section 515.2040(h)(6) was amended, in part, as follows: ". . . thoracotomy, ~~and~~ cut down, peritoneal lavage, and intraosseous;".

30. In Section 515.2040(h)(5), "including intraosseous" was deleted.

31. In Section 515.2040(j), "monthly" was deleted and strikeouts were removed from "quarterly".

32. In Section 515.2040(r)(1), "by fax" was added after "notification".

33. In Section 515.2045(c)(4), "pediatric surgery" was added before "resident".

34. In Section 515.2045(e)(1), "or" was changed to "with".

35. In Section 515.2045(f)(1), "board prepared or" was added before

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

"certified".

36. In Section 515.2045(f)(9)(B), "ICU or critical" was added after "pediatric".

37. In Section 515.2045(h)(13), "with measuring device" was added after "cart".

38. The following was added after subsection 515.2045(h)(13): "AGENCY NOTE: Broselow TM Pediatric Tape will meet this requirement."

39. A new subsection 515.2045(i) was added:

"i) The trauma service must be identified in the facility's budget, with sufficient funds dedicated to support the trauma director and trauma coordinator positions and to provide for the operation of the trauma registry."

40. A new subsection 515.2045(l) was added:

"l) A Level II Pediatric Trauma Center shall meet the requirements of Section 515.2030(h)-(r) of this Part"

41. In Section 515.2050(a), "486 . . . capability" was stricken and the following was inserted:

"CPU 80586, 200 MHz, RAM 32mb, hard drive 1GB, floppy drive 3 1/2" CD ROM 2x, color VGA, ink or laser printer, 57.6 Baud Modem, software to support the trauma registry program, remote support software."

42. In the Agency Note in Section 515.2050(a), "Windows . . . requirements" was stricken and the following was added: "Windows 95 N/T would support the trauma registry and pcAnywhere would provide remote support."

43. In Section 515.2060(e), underlined language was deleted and strikeouts were removed to return the language to its existing form.

44. In Section 515, APPENDIX C, the asterisk was stricken in the heading.

45. In Section 515, APPENDIX C, the asterisk was changed to a bullet in the last box on the right.

46. In Section 515, APPENDIX G, "10 hrs. per year" was changed to "20 hours every two years".

47. In Section 515, APPENDIX H, "ROSEM" was placed in a separate column; "and" was deleted; "10 hrs. per yr." was changed to "20 hrs. every 2

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Yes.

48. In Sections 515.2030(c)(7) and 515.2040(b)(9), the following was relocated from the end to the middle of the subsection: "An isolated injury refers to the transfer of energy to a single specific anatomic body region with no potential for multisystem involvement."

49. In Section 515.2030(d)(2)(i), "neurosurgery" was stricken and the following was added: "Neurosurgical." When the need for neurosurgical intervention has been identified, the neurosurgeon must arrive and be available in a fully staffed operating room within 60 minutes after the identification of the need for operative intervention."

50. In Section 515.2040(e), the following was added after "needed": "When the need for neurosurgical intervention has been identified, the neurosurgeon must arrive and be available in a fully staffed operating room within 60 minutes after the identification of the need for operative intervention. The following:

The following changes were made in response to comments and suggestions of the JCAR:

1. In Section 515.445, the Source Note was amended to read "(Source: Renumbered from Section 515.2100 and amended at 24 Ill. Reg. _____, effective _____)

2. In Section 515.2035(e)(2), "daily" was deleted after "ongoing".

3. In Section 515.2050(a), "MIZ" was changed to "Miz"; "mb" was changed to "Ma"; and "Cb" was changed to "CB".

4. Section 515.2060 was returned to existing language and removed from the rulemaking.

In addition, various typographical, grammatical and form changes were made in response to the comments from JCAR.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of the amendments:

This rulemaking amends the Department's rules governing the designation of trauma centers in Illinois. In addition to changes in the existing

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

requirements, provisions for the designation of pediatric trauma centers are included.

Section 515.100 (Definitions) is being amended to delete the term "Affiliate Trauma Hospital", "Participating Hospital" will be used instead. A definition of "Board Eligible in Emergency Medicine" is being added, as well as a definition of "Pediatric Trauma Patient".

Section 515.125 (Incorporated and Referenced Materials) is being amended to update incorporated materials.

Section 515.445 (Pediatric Care) is being renumbered from Section 515.2100.

Section 515.2030 (Level I Trauma Center Designation Criteria) is amended to require trauma surgeons to have 10 hours of trauma-related continuing medical education per year; to require residents who are filling the trauma surgeon requirement to have ATLS certification; to clarify the designated arrival times for surgeons; to require physicians providing emergency medical services to be board certified or board eligible by the American Board of Emergency Medicine or the American Osteopathic Board of Emergency Medicine and to have 10 hours per year of AHA-approved Category I or II trauma-related continuing medical education. Physicians who meet the existing competency requirements and who are working in trauma as of January 1, 2000 will be allowed to continue in emergency medicine staff positions. Nurses in the Intensive Care Unit (ICU) will be required to have two years of ICU or critical care experience and four hours of continuing critical care education per year. Requirements for policies to be submitted with the redesignation packet are updated. These amendments also require the trauma service to be identified in the facility's budget, with sufficient funds dedicated to support the trauma director and trauma coordinator's positions and to provide for operation of the trauma registry. The hospital will also be required to develop a policy that identifies what measures will be taken to avoid requesting a resource limitation/bypass.

Section 515.2035 (Level I Pediatric Trauma Center) is being added to set forth criteria for designation as a Level I Pediatric Trauma Center. Requirements for staffing, surgical services, nonsurgical services, intensive care unit, and equipment are included.

Section 515.2040 (Level II Trauma Center Designation Criteria) is being amended to require the Trauma Center Medical Director to have two years of experience in trauma care; to require trauma surgeons to have 10 hours of trauma-related continuing medical education per year; to require a backup schedule for a trauma surgeon who has other clinical responsibilities while on call for trauma surgery. Time frames for the arrival of subspecialists are clarified. Requirements for emergency medicine staff

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

physician and ICU nurses and other professional staff are clarified. Equipment requirements for ICU are expanded. Requirements for focused outcome analyses are updated. Two new protocols are added that must be submitted every two years: Clinical protocols for management of the trauma patient in basic resuscitation and management of specific injuries; and a suspension policy for trauma nurse specialists requiring due process. The trauma service must be identified in the facility's budget with funds obligated to support, at a minimum, the trauma director and trauma coordinator's positions and to provide for operation of the trauma registry. The hospital will also be required to develop a policy that identifies what measures will be taken to avoid requesting a resource limitation/bypass.

Section 215.2045 (Level II Pediatric Trauma Center) is being added to establish designation criteria for Level II pediatric trauma centers. Requirements for surgical services, nonsurgical services, staffing, and equipment are included.

Section 515.2050 (Trauma Center Uniform Reporting Requirements) is amended to add information that must be provided on each reportable trauma patient. Requirements concerning collection of data for Injury Severity Score mean mortality rates are deleted. Trauma centers will be required to have a policy to back up and retrieve data on a regular basis.

Section 515.2060 (Trauma Patient Evaluation and Transfer) is being amended to require transfer of trauma patients to a Level I or Level II facility or to more specialized care to commence within 30 minutes of patients' arrival.

Section 515.APPENDIX A (A Request for Designation (RFD) Trauma Center) is being amended to correct cross-references.

Section 515.APPENDIX C (Minimum Trauma Field Triage Criteria) is being amended to change "affiliate trauma hospital" to "participating trauma hospital."

A new Section 515.APPENDIX G (Credentials of General/Trauma Surgeons) and Appendix H (Credentials of Emergency Department Physicians) are being added. This information will be submitted to the Department with the Request for Designation.

16) Information and questions regarding these adopted amendments shall be directed to:

Paul Thompson, Division of Legal Services
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

217/782-2043
rules@dnph.state.il.us

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

PART 515

EMERGENCY MEDICAL SERVICES AND TRAUMA CENTER CODE

SUBPART A: GENERAL

Section	
515.100	Definitions
515.101	Incorporated and Referenced Materials
515.125	Waiver Provisions
515.150	Violations, Hearings and Fines
515.160	Employer Responsibility
515.170	

SUBPART B: EMS REGIONS

Section	
515.200	Emergency Medical Services Regions
515.210	EMS Regional Plan Development
515.220	EMS Regional Plan Content
515.230	Resolution of Disputes Concerning the EMS Regional Plan

SUBPART C: EMS SYSTEMS

Section	
515.300	Approval of New EMS Systems
515.310	Approval and Renewal of EMS Systems
515.315	Bypass Status Review
515.320	Scope of EMS Service
515.330	EMS System Program Plan
515.340	EMS Medical Director's Course
515.350	Data Collection and Submission
515.360	Approval of Additional Drugs and Equipment
515.370	Automated Defibrillation
515.380	Do Not Resuscitate (DNR) Policy
515.390	Minimum Standards for Continuing Operation
515.400	General Communications
515.410	EMS System Communications
515.420	System Participation Suspensions
515.430	Suspension, Revocation and Denial of Licensure of EMTs
515.440	State Emergency Medical Services Disciplinary Review Board
<u>515.445</u>	Pediatric Care

SUBPART D: EMERGENCY MEDICAL TECHNICIANS

Section	
515.500	Emergency Medical Technician-Basic Training
515.510	Emergency Medical Technician-Intermediate Training

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Emergency Medical Technician-Paramedic Training

EMT Testing and Fees

EMT Licensure

Scope of Practice - Licensed EMT

EMT-B Continuing Education

EMT-I Continuing Education

EMT-P Continuing Education

EMT License Renewals

EMT Inactive Status

EMT Reciprocity

SUBPART E: EMS LEAD INSTRUCTOR, EMERGENCY MEDICAL DISPATCHER,
FIRST RESPONDER, PRE-HOSPITAL REGISTERED NURSE,
EMERGENCY COMMUNICATIONS REGISTERED NURSE, AND
TRAUMA NURSE SPECIALIST

Section	
515.700	EMS Lead Instructor
515.710	Emergency Medical Dispatcher
515.720	First Responder
515.725	First Responder - AED
515.730	Pre-Hospital Registered Nurse
515.740	Emergency Communications Registered Nurse
515.750	Trauma Nurse Specialist
515.760	Trauma Nurse Specialist Program Plan

SUBPART F: VEHICLE SERVICE PROVIDERS

Section	
515.800	Vehicle Service Provider Licensure
515.810	EMS Vehicle System Participation
515.820	Denial, Nonrenewal, Suspension and Revocation of a Vehicle Service Provider License
515.830	Ambulance Licensing Requirements

SUBPART G: LICENSURE OF SPECIALIZED EMERGENCY MEDICAL
SERVICES VEHICLE (SEMSV) PROGRAMS

Section	
515.900	Licensure of SEMSV Programs - General
515.910	Denial, Nonrenewal, Suspension or Revocation of SEMSV Licensure
515.920	SEMSV Program Licensure Requirements for All Vehicles
515.930	Helicopter and Fixed-Wing Aircraft Requirements
515.935	EMS Pilot Specifications
515.940	Aeromedical Crew Member Training Requirements
515.945	Aircraft Vehicle Specifications and Operation
515.950	Aircraft Medical Equipment and Drugs
515.955	Vehicle Maintenance for Helicopter and Fixed-wing Aircraft Programs

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

515-960 Aircraft Communications and Dispatch Center
 515-965 Watercraft Requirements
 515-970 Watercraft Vehicle Specifications and Operation
 515-975 Watercraft Medical Equipment and Drugs
 515-980 Watercraft Communications and Dispatch Center
 515-985 Off-Road EMSV Requirements
 515-990 Off-Road Vehicle Specifications and Operation
 515-995 Off-Road Medical Equipment and Drugs
 515-1000 Off-Road Communications and Dispatch Center

SUBPART H: TRAUMA CENTERS

Section
 515-2000 Trauma Center Designation
 515-2010 Denial of Application for Designation or Request for Renewal
 515-2020 Inspection and Revocation of Designation
 515-2030 Level I Trauma Center Designation Criteria
 515-2035 Level I Pediatric Trauma Center
 515-2040 Level II Trauma Center Designation Criteria
 515-2045 Level II Pediatric Trauma Center
 515-2050 Trauma Center Uniform Reporting Requirements
 515-2060 Trauma Patient Evaluation and Transfer
 515-2070 Trauma Center Designation Delegation to Local Health Departments
 515-2080 Trauma Center Confidentiality and Immunity
 515-2090 Trauma Center Fund
 515-2100 Pediatric Care (Renumbered)

SUBPART I: EMS ASSISTANCE FUND

Section
 515-3000 EMS Assistance Fund Administration
 APPENDIX A A Request for Designation (RFD) Trauma Center
 APPENDIX B A Request for Renewal of Trauma Center Designation
 APPENDIX C Minimum Trauma Field Triage Criteria
 APPENDIX D Standing Medical Orders
 APPENDIX E Minimum Prescribed Data Elements
 APPENDIX F Template for In-House Triage for Trauma Centers
 APPENDIX G Credentials of General/Trauma Surgeons
 APPENDIX H Credentials of Emergency Department Physicians

AUTHORITY: Implementing and authorized by the Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

SOURCE: Emergency Rule adopted at 19 Ill. Reg. 13084; effective September 1, 1995 for a maximum of 150 days; emergency expired January 28, 1996; adopted at 20 Ill. Reg. 3203, effective February 9, 1996; emergency amendment at 21 Ill. Reg. 2437, effective January 31, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 5170, effective April 15, 1997; amended at 22 Ill. Reg. 11835,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

effective June 25, 1998; amended at 22 Ill. Reg. 16543, effective September 8, 1998; amended at 24 Ill. Reg. 9006, effective JUN 15 1999.

SUBPART A: GENERAL

Section 515.100 Definitions

For the purposes of this Part:

Act - the Emergency Medical Services (EMS) Systems Act (210 ILCS 50).

Advanced Life Support (ALS) Services - an advanced level of pre-hospital and inter-hospital emergency care and non-emergency medical care that includes basic life support care, cardiac monitoring, cardiac defibrillation, electrocardiography, intravenous therapy, administration of medications, drugs and solutions, use of adjunctive medical devices, trauma care, and other authorized techniques and procedures as outlined in the Advanced Life Support National Curriculum of the United States Department of Transportation and any modifications to that curriculum specified in this Part. (Section 3.10 of the Act)

Aeromedical Crew Member or Watercraft Crew Member or Off-road EMSV Crew Member - an individual other than an EMS pilot, who has been approved by an EMSV Medical Director for specific medical duties in a helicopter or fixed-wing aircraft, on a watercraft, or on an off-road EMSV used in a Department-certified EMSV Program.

Affiliate—Trauma—Hospital---a--hospital--which--participates--in--an--EMS--system--but--is--not--a--level--I--or--level--II--trauma--center

Alternate EMS Medical Director or Alternate EMSMO - the physician who is designated by the Resource Hospital to direct the ALS/ILS/BLS operations in the absence of the EMS Medical Director.

Ambulance - any publicly or privately owned vehicle that is specifically designed, constructed or modified and equipped for, and is intended to be used for, and is maintained or operated for, the emergency transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or the non-emergency medical transportation of persons who require the presence of medical personnel to monitor the individual's condition or medical apparatus being used on such an individual. (Section 3.85 of the Act)

Ambulance Service Provider or Ambulance Provider - any individual, joint venture, unit of local government or other public or private ownership entity that owns and operates a business or service using

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

one or more ambulances or EMS vehicles for the transportation of emergency patients.

Associate Hospital - a hospital participating in an approved EMS System in accordance with the EMS System Program Plan, fulfilling the same clinical and communications requirements as the Resource Hospital. This hospital has neither the primary responsibility for conducting training programs nor the responsibility for the overall operation of the EMS System program. The Associate Hospital must have a basic or comprehensive emergency department with 24-hour physician coverage. It must have a functioning Intensive Care Unit and/or a Cardiac Care Unit.

Associate Hospital EMS Coordinator - the EMT-P or Registered Nurse at the Associate Hospital who shall be responsible for duties in relation to the A&S, ILS or BLS System, in accordance with the Department-approved EMS System Program Plan.

Associate Hospital EMS Medical Director - the physician at the Associate Hospital who shall be responsible for the day-to-day operations of the Associate Hospital in relation to the A&S, ILS, or BLS System, in accordance with the Department-approved EMS System Program Plan.

Basic Emergency Department - a classification of a hospital emergency department where at least one physician is available in the emergency department at all times; physician specialists are available in minutes; and ancillary services including laboratory, x-ray and pharmacy are staffed or are "on-call" at all times in accordance with Section 250.710 of the Hospital Licensing Code (77 Ill. Adm. Code 250).

Basic Life Support (BLS) Services - a basic level of pre-hospital and inter-hospital emergency care and non-emergency medical care that includes airway management, cardiopulmonary resuscitation (CPR), control of shock and bleeding and splinting of fractures, as outlined in a Basic Life Support National Curriculum of the United States Department of Transportation and any modifications to that curriculum specified in this Part. (Section 3.10 of the Act)

Board Eligible in Emergency Medicine - completion of a residency in Emergency Medicine in a program approved by the Residency Review Committee for Emergency Medicine or the Council on Postdoctoral Training (COPET) for the American Osteopathic Association (AOA).

Certified Registered Nurse Anesthetist or CRNA - a licensed registered professional nurse who has had additional education beyond the registered professional nurse requirements at a school/program

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

accredited by the National Council on Accreditation, and passed the certifying exam given by the National Council on Certification, and who by participating in 40 hours of continuing education every two years, has been recertified by the National Council on Recertification.

Channel, Half-Duplex - a radio channel that transmits and receives signals, but in only one direction at a time.

CME - continuing medical education.

Comprehensive Emergency Department - a classification of a hospital emergency department where at least one licensed physician is available in the emergency department at all times; physician specialists shall be available in minutes; and ancillary services including laboratory and x-ray are staffed at all times; and pharmacy is staffed or "on-call" at all times in accordance with Section 250.710 of the Hospital Licensing Code (77 Ill. Adm. Code 250).

Department - the Illinois Department of Public Health. (Section 3.5 of the Act)

Director - the Director of the Illinois Department of Public Health or his/her designee. (Section 3.5 of the Act)

Dysrhythmia - a variation from the normal electrical rate and sequences of cardiac activity, also including abnormalities of impulse formation and conduction.

Effective Radiated Power (ERP) - the power gain of a transmitting antenna multiplied by the net power accepted by the antenna from the connected transmitter.

Electrocardiogram (ECG) - a single lead graphic recording of the electrical activity of the heart by a series of deflections that represent certain components of the cardiac cycle.

Emergency - a medical condition of recent onset and severity that would lead a prudent lay person, possessing an average knowledge of medicine and health, to believe that urgent or unscheduled medical care is required. (Section 3.5 of the Act)

Emergency Communications Registered Nurse or ECRN - a registered professional nurse, licensed under the Illinois Nursing Act of 1987, who has successfully completed supplemental education in accordance with this Part and who is approved by an EMS Medical Director to monitor telecommunications from and give voice orders to EMS System personnel, under the authority of the EMS Medical Director and in

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

accordance with system protocols. (Section 3.80 of the Act) These individuals were formerly called MICNS.

Emergency Medical Dispatcher - a person who has successfully completed a dispatching course meeting or exceeding the National Curriculum of the United States Department of Transportation in accordance with this Part, who accepts calls from the public for emergency medical services and dispatches designated emergency medical services personnel and vehicles. (Section 3.70 of the Act)

Emergency Medical Services (EMS) System or *System* - an organization of hospitals, vehicle service providers and personnel approved by the Department in a specific geographic area, which coordinates and provides pre-hospital and inter-hospital emergency care and non-emergency medical transports at a BLS, ILS and/or ALS level pursuant to a System Program Plan submitted to and approved by the Department and pursuant to the EMS Regional Plan adopted for the EMS Region in which the System is located. (Section 3.20 of the Act)

Emergency Medical Services System Survey - a questionnaire that provides data to the Department for the purpose of compiling annual reports.

Emergency Medical Technician-Basic or *EMT-B* - a person who has successfully completed a course of instruction in basic life support as prescribed by the Department, is currently licensed by the Department in accordance with standards prescribed by the Act and this Part and practices within an EMS System. (Section 3.50 of the Act)

Emergency Medical Technician - Coal Miner - for purposes of the Coal Mine Medical Emergencies Act, an EMT-B, EMT-I or EMT-P who has received training emphasizing extrication from a coal mine.

Emergency Medical Technician-Intermediate or *EMT-I* - a person who has successfully completed a course of instruction in intermediate life support as prescribed by the Act and this Part and practices within an Intermediate or Advanced Life Support EMS System. (Section 3.50 of the Act)

Emergency Medical Technician-Paramedic or *EMT-P* - a person who has successfully completed a course of instruction in advanced life support care as prescribed by the Department, is licensed by the Department in accordance with standards prescribed by the Act and this Part and practices within an Advanced Life Support EMS System. (Section 3.50 of the Act)

EMS Administrative Director - the administrator, appointed by the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Resource Hospital with the approval of the EMS Medical Director, responsible for the administration of the EMS System.

EMS Medical Director or EMSMD - the physician, appointed by the Resource Hospital, who has the responsibility and authority for total management of the EMS System.

EMS Lead Instructor - a person who has successfully completed a course of education as prescribed by the Department in this Part, and who is currently approved by the Department to coordinate or teach education, training and continuing education courses, in accordance with this Part. (Section 3.65 of the Act)

EMS Regional Plan - a plan established by the EMS Medical Director's Committee in accordance with Section 3.30 of the Act.

EMS System Coordinator - the designated individual responsible to the EMS Medical Director and EMS Administrative Director for coordination of the educational and functional aspects of the System program.

EMS System Program Plan - the document prepared by the Resource Hospital and approved by the Department that describes the EMS System program and directs the program's operation.

First Responder - a person who has successfully completed a course of instruction in emergency first response as prescribed by the Department, who provides first response services prior to the arrival of an ambulance or specialized emergency medical services vehicle, in accordance with the level of care established in the emergency first response course. (Section 3.60 of the Act)

First Response Services - a preliminary level of pre-hospital emergency care that includes cardiopulmonary resuscitation (CPR), monitoring vital signs and controlling of bleeding as outlined in the First Responder Curriculum curriculum of the United States Department of Transportation and any modifications to that curriculum specified in this Part. (Section 3.10 of the Act)

Fixed-Wing Aircraft - an engine-driven aircraft that is heavier than air, and is supported in-flight by the dynamic reaction of the air against its wings. Intermediate life Full-Time - on duty a minimum of 36 hours, four days a week.

Health Care Facility - a hospital, nursing home, physician's office or other fixed location at which medical and health care services are performed. It does not include "pre-hospital emergency care settings" which utilize EMTs to render pre-hospital emergency care prior to the arrival of a transport vehicle, as defined in the Act and this Part.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

(Section 3.5 of the Act)

Helicopter or Rotorcraft - an aircraft that is capable of vertical take offs and landings, including maintaining a hover.

Hospital - has the meaning ascribed to that term in Section 3 of the Hospital Licensing Act [210 ILCS 95]. (Section 3.5 of the Act)

Instrument Flight Rules or IFR - the operation of an aircraft in weather minimums below the minimums for flight under visual flight rules (VFR). (See General Operating and Flight Rules, 14 CFR 91.115 through 91.129.)

Instrument Meteorological Conditions (IMC) - meteorological conditions expressed in terms of visibility, distance from clouds and ceiling, which require Instrument Flight Rules.

Intermediate Life Support (ILS) Services - an intermediate level of pre-hospital and inter-hospital emergency care and non-emergency medical care that includes basic life support care, plus intravenous cannulation and fluid therapy, invasive airway management, trauma care, and other authorized techniques and procedures as outlined in the Intermediate Life Support National Curriculum ~~national curriculum~~ of the United States Department of Transportation and any modifications to that curriculum specified in this Part. (Section 3.10 of the Act)

Level I Trauma Center - a hospital participating in an approved EMS System and designated by the Department pursuant to Section 515.2031 of this Part to provide optimal care to trauma patients and to provide all essential services in-house, 24 hours per day.

Level II Trauma Center - a hospital participating in an approved EMS System and designated by the Department pursuant to Section 515.2040 of this Part to provide optimal care to trauma patients, to provide some essential services available in-house 24 hours per day, and to provide other essential services readily available 24 hours a day.

Limited Operation Vehicle - a vehicle which is licensed by the Department to provide basic, intermediate or advanced life support emergency or non-emergency medical services that are exclusively limited to specific events or locales. (Section 3.85 of the Act)

Local System Review Board - a group established by the Resource Hospital to hear appeals from EMTs or other providers who have been suspended or have received notification of suspension from the EMS Medical Director.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Mobile Radio - a two-way radio installed in an EMS vehicle, which may not be readily removed.

Morbidity - a negative outcome that is the result of the original trauma and/or treatment rendered or omitted.

911 - an emergency answer and response system in which the caller need only dial 9-1-1 on a telephone to obtain emergency services including police, fire, medical ambulance and rescue.

Non-emergency Medical Care - medical services rendered to patients whose condition, does not meet the Act's definition of emergency, during transportation of such patients to health care facilities for the purpose of obtaining medical or health care services which are not emergency in nature, using a vehicle regulated by the Act and this Part. (Section 3.10 of the Act)

Off-Road Specialized Emergency Medical Services Vehicle or Off-Road SMSV or Off-Road EMS Vehicle - a motorized cart, golf cart, all-terrain-vehicle (ATV), or amphibious vehicle that is not intended for use on public roads.

Participating Hospital - a hospital participating in an approved EMS System in accordance with the EMS System Program Plan, which is not a Resource Hospital or an Associate Hospital.

Pediatric Trauma Patient - trauma patient from birth to 15 years of age.

Physician - any person licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 [225 ILCS 90].

Pilot or EMS Pilot - a pilot certified by the Federal Aviation Administration who has been approved by an SMSV Medical Director to fly a helicopter or fixed-wing aircraft used in a Department-certified SMSV Program.

Portable Radio - a hand-held radio that accompanies the user during the conduct of emergency medical services.

Pre-Hospital Care - those emergency medical services rendered to emergency patients for analytic, resuscitative, stabilizing, or preventive purposes, precedent to and during transportation of such patients to hospitals. (Section 3.10 of the Act)

Pre-Hospital Care Provider - a System Participant or any EMT-B, I, P, Ambulance, Ambulance Provider, EMS Vehicle, Associate Hospital, Participating Hospital, EMS System Coordinator, Associate Hospital EMS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Coordinator, Associate Hospital EMS Medical Director, ECRN or Physician serving on an ambulance or giving voice orders over an EMS System and subject to suspension by the EMS Medical Director of that System in accordance with the policies of the EMS System Program Plan approved by the Department.

Pre-Hospital Registered Nurse or Pre-Hospital RN - a registered professional nurse, licensed under the Illinois Nursing Act of 1987, who has successfully completed supplemental education in accordance with this part and who is approved by an EMS Medical Director to practice within an EMS System as emergency medical services personnel for pre-hospital and inter-hospital emergency care and non-emergency medical transports. (Section 3.80 of the Act) This individual was formerly called a Field RN.

Regional EMS Advisory Committee - a committee formed within an Emergency Medical Services (EMS) Region to advise the Region's EMS Medical Directors Committee and to select the Region's representative to the State Emergency Medical Services Advisory Council, consisting of at least the members of the Region's EMS Medical Directors Committee, the Chair of the Regional Trauma Committee, the EMS System Coordinators from each resource hospital within the Region, one administrative representative from an associate hospital within the Region, one administrative representative from a participating hospital within the Region, one administrative representative from the vehicle service provider which responds to the highest number of calls for emergency service within the Region, one administrative representative of a vehicle service provider from each System within the Region, one Emergency Medical Technician (EMT)/Pre-Hospital RN from each level of EMT/Pre-Hospital RN practicing within the Region, and one registered professional nurse currently practicing in an emergency department within the Region. Of the two administrative representatives of vehicle service providers, at least one shall be an administrative representative of a private vehicle service provider. The Department's Regional EMS Coordinator for each Region shall serve as a non-voting member of that Region's EMS Advisory Committee. (Section 3.25 of the Act)

Regional EMS Coordinator - the designee of the Chief, Division of Emergency Medical Services and Highway Safety, Illinois Department of Public Health.

Regional EMS Medical Directors Committee - a group comprised of the Region's EMS Medical Directors, along with the medical advisor to a fire department vehicle service provider. For Regions that include a municipal fire department serving a population of over 2,000,000 people, that fire department's medical advisor shall serve on the Committee. For other Regions, the fire department vehicle service

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

providers shall select which medical advisor to serve on the Committee on an annual basis. (Section 3.25 of the Act)

Regional Trauma Advisory Committee - a committee formed within an Emergency Medical Services (EMS) Region, to advise the Region's Trauma Center Medical Directors Committee, consisting of at least the Trauma Center Medical Directors and Trauma Coordinators from each Trauma Center within the Region, one EMS Medical Director from a resource hospital within the Region, one EMS System Coordinator from another resource hospital within the Region, one representative from a public and private vehicle service provider which transports trauma patients within the Region, an administrative representative from each trauma center within the Region, one EMT representing the highest level of EMT practicing within the Region, one emergency physician and one Trauma Nurse Specialist (TNS) currently practicing in a trauma center. The Department's Regional EMS Coordinator for each Region shall serve as a non-voting member of that Region's Trauma Advisory Committee. (Section 3.25 of the Act)

Registered Nurse or Registered Professional Nurse or RN - a person who is licensed as a professional nurse under the Illinois Nursing and Advanced Practice Nursing Act of 1987 (225 ILCS 65).

Resource Hospital - the hospital with the authority and the responsibility for an EMS System as outlined in the Department-approved EMS System Program Plan. The Resource Hospital, through the EMS Medical Director, assumes responsibility for the entire program, including the clinical aspects, operations and educational programs. This hospital agrees to replace medical supplies and provide for equipment exchange for participating EMS vehicles.

SEMSV Medical Control Point or Medical Control Point - the communication center from which the SEMSV Medical Director or his or her designee issues medical instructions or advice to the aeromedical, watercraft, or off-road SEMSV crew members.

SEMSV Medical Director or Medical Director - the physician appointed by the SEMSV Program who has the responsibility and authority for total management of the SEMSV Program, subject to the requirements of the EMS System of which the SEMSV Program is a part.

SEMSV Program or Specialized Emergency Medical Services Vehicle Program - a program operating within an EMS System, pursuant to a program plan submitted to and certified by the Department, utilizing specialized emergency medical services vehicles to provide emergency transportation to sick or injured persons.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Specialized Emergency Medical Services Vehicles or SEMSV - a vehicle or conveyance, other than those owned or operated by the Federal government, that is primarily intended for use in transporting the sick or injured by means of air, water, or ground transportation, that is not an ambulance as defined in the Act. The term includes watercraft, aircraft and special purpose ground transport vehicles not intended for use on public roads. (Section 3.85 of the Act)

"Primarily intended", for the purposes of this definition, means one or more of the following:

Over 50 percent of the vehicle's operational (e.g., in-flight) hours are devoted to the emergency transportation of the sick or injured;

The vehicle is owned or leased by a hospital or ambulance provider and is used for the emergency transportation of the sick or injured;

The vehicle is advertised as a vehicle for the emergency transportation of the sick or injured;

The vehicle is owned, registered or licensed in another state and is used on a regular basis to pick up and transport the sick or injured within or from within this State; or

The vehicle's structure or permanent fixtures have been specifically designed to accommodate the emergency transportation of the sick or injured.

Standby Emergency Department - a classification of a hospital emergency department where at least one of the registered nurses on duty in the hospital is available for emergency services at all times; and a licensed physician is "on-call" to the emergency department at all times in accordance with Section 250.710 of the Hospital Licensing Code (77 Ill. Adm. Code 250).

Special-Use Vehicle - any public or privately owned vehicle that is specifically designed, constructed or modified and equipped, and is intended to be used for, and is maintained or operated solely for, the emergency or non-emergency transportation of a specific medical class or category of persons who are sick, injured, wounded or otherwise incapacitated or helpless (e.g., high-risk obstetrical patients, neonatal patients). (Section 3.85 of the Act)

State EMS Advisory Council - a group that advises the Department on the administration of the Act and this Part whose members are appointed in accordance with Section 3.200 of the Act.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

System Participation Suspension - the suspension from participation within an EMS System of an individual or individual provider, as specifically ordered by that System's EMS Medical Director.

Substantial Compliance - meeting requirements except for variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved.

Substantial Failure - the failure to meet requirements other than a variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved.

Sustained Hypotension - two systolic blood pressures of 90 mmHg five minutes apart or, in the case of a pediatric patient, two systolic blood pressures of 80 mmHg five minutes apart.

Telecommunications Equipment - a radio capable of transmitting and/or receiving voice and electrocardiogram (EKG) signals.

Telemetry - the transmission of data by wire, radio, or other means from remote sources to a receiving station for recording and analysis.

Trauma - any significant injury which involves single or multiple organ systems. (Section 3.5 of the Act)

Trauma Category I - a classification of trauma patients in accordance with Section 515-Appendix C and 515-Appendix F of this Part.

Trauma Category II - a classification of trauma patients in accordance with Section 515-Appendix C and 515-Appendix F of this Part.

Trauma Center - a hospital which: within designated capabilities provides care to trauma patients; participates in an approved EMS System; and is duly designated pursuant to the provisions of the Act. (Section 3.90 of the Act)

Trauma Center Medical Director - the trauma surgeon appointed by a Department-designated Trauma Center who has the responsibility and authority for the coordination and management of patient care and trauma services at the Trauma Center. He or she must have 24-hour independent operating privileges and shall be board certified in surgery with at least one year of experience in trauma care.

Trauma Center Medical Directors Committee - a group composed of the Region's Trauma Center Medical Directors. (Section 3.25 of the Act)

Trauma Coordinator - a registered nurse working in conjunction with

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

the trauma medical director. The Trauma Coordinator is responsible for the organization of service and systems necessary for a multidisciplinary approach throughout the continuum of trauma care.

Trauma Nurse Specialist or TNS - a registered professional nurse who has successfully completed education and testing requirements as prescribed by the Department, and is certified in accordance with this Part. (Section 3.75 of the Act)

Trauma Nurse Specialist Course Coordinator (TNSCC) - a registered nurse appointed by the Chief Executive Officer of a hospital designated as a TNS Training Site, who meets the requirements of Section 515.750 of this Part.

Trauma Service - an identified hospital surgical service in a Level I or Level II Trauma Center functioning under a designated trauma director in accordance with Sections 515.2030(c) and 515.2040(c) of this Part.

Unit Identifier - a number assigned by the Department for each EMS vehicle in the State to be used in radio communications.

Vehicle Service Provider - an entity licensed by the Department to provide emergency or non-emergency medical services in compliance with the Act and this Part and an operational plan approved by its EMS System(s), utilizing at least ambulances or specialized emergency medical service vehicles (EMSVs). (Section 3.85 of the Act)

Watercraft - a nautical vessel, boat, aircraft, hovercraft or other vehicle that operates in, on or across water.

(Source: Amended at 24 Ill. Reg. 9006, effective JUN 15 2000)

Section 515.125 Incorporated and Referenced Materials

a) The following regulations and standards are incorporated in this Part:

- 1) Private and professional association standards:
 - A) Glasgow Coma Scale
Champion WR, Sacco WJ, Carnazzo AJ et al.:
CriciCare Med 9(9): 672-676 (1981)
 - B) Revised Trauma Score, 1999 1993
from Resources for the Optimal Care of the Injured Patient
American College of Surgeons
55 East Erie St.
Chicago, Illinois 60611-2797
 - C) Abbreviated Injury Score, 1990
American Association for the Advancement

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

of Automotive Medicine
Des Plaines, Illinois 60008
Injury Severity Score
Baker SP, O'Neil B, Hadon W et al.:

D) Journal of Trauma 14: 187-196 (1974)

E) International Classification of Diseases,
9th Revision, Clinical Modification (ICD-9-CM)
Alphabetic Index to External Causes of Injury (E-Codes),
Second Printing (1980)

World Health Organization, Geneva, Switzerland and
National Center for Health Statistics
Published by Edwards Brothers, Inc. Ann Arbor, Michigan
Resources for Optimal Care of the Injured Patient (1999)
(1993)

American College of Surgeons

55 East Erie St.

G) Chicago, Illinois 60611-2797

Pediatric Advanced Life Support (1995)

American Heart Association National Center

7272 Greenville Center

Dallas, Texas 75231

2) Federal government publications:

A) Federal Specifications for Ambulance, KKK-A-1822D (November, 1994), United States General Services Administration, Specifications Section
Room 6654, 7th and D Streets, S.W., Washington, D.C. 20407

B) United States Department of Transportation, Emergency Medical Technician - Basic: National Standard Curriculum (1994), which may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

C) United States Department of Transportation, Emergency Medical Technician - Intermediate: National Standard Curriculum (1985), which may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

D) United States Department of Transportation, Emergency Medical Technician - Paramedic: National Standard Curriculum (1985), which may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (See Sections 515.215(a); 515-500(c) and (e); 515-510(a) and (d); 515-530(c); 515-532(b); 515.810(b) and (c); and 515.850(a) and (b).)

E) United States Department of Transportation, First Responder: National Standard Curriculum (1995), which may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

F) United States Department of Transportation, EMS Instructor

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Training Program: National Standard Curriculum (1995), which may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

G) United States Department of Transportation, Emergency Medical Dispatcher: National Standard Curriculum (1995), which may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

3) Federal regulations:

- A) 47 CFR 90 (October 1, 1998 1994) - Private Land Mobile Radio Services
- B) Air Taxi Operations and Commercial Operators (14 CFR 135 (January 1, 1998))--(499947, Subparts A, Sections 135.1 through 135.43; B, Sections 135.61 through 135.125; C, Sections 135.141 through 135.185; D, Sections 135.201 through 135.229; E, Sections 135.241 through 135.247; F, Section 135.261; J, Sections 135.411 through 135.443)
- C) 42 CFR 2A (October 1, 1998 1995) - Confidentiality of Alcohol and Drug Abuse Patient Records
- b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.
- c) The following statutes and State regulations are referenced in this Part:
 - 1) Federal statutes:
 - A) U.S. Code 42, the Public Health and Welfare, 42 USC 68-6-300 L-1(a) (1994)
 - B) Federal Aviation Act of 1958, Sections 307 and 308 (P.L. 85-726, 72 USC 68-6-731)
 - 2) State of Illinois statutes:
 - A) Hospital Emergency Services Act [210 ILCS 80]
 - B) Hospital Licensing Act [210 ILCS 85]
 - C) Medical Practice Act of 1987 [225 ILCS 60]
 - D) ~~The Illinois~~ Nursing and Advanced Practice Nursing Act of 1987 [225 ILCS 65]
 - E) Code of Civil Procedure [735 ILCS 5]
 - F) Emergency Telephone System Act [50 ILCS 750]
 - G) Boat Registration and Safety Act [625 ILCS 45]
 - H) Open Meetings Act [5 ILCS 120]
 - I) Illinois Administrative Procedure Act [5 ILCS 100]
 - J) Head and Spinal Cord Injury Act [410 ILCS 515]
 - K) Freedom of Information Act [5 ILCS 140]
 - L) State Records Act [5 ILCS 160]
 - M) Coal Mine Medical Emergencies Act [410 ILCS 15]
- 3) State of Illinois regulations:
 - A) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
 - B) Hospital Licensing Requirements (77 Ill. Adm. Code 250)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

C) Aviation Safety (92 Ill. Adm. Code 14.790, 14.792, 14.795) (Source: Amended at 24 Ill. Reg. 900.6, effective JUN 15 2000)

SUBPART C: EMS SYSTEMS

Section 515.4452400 Pediatric Care

- a) Upon the availability of federal funds for development of an emergency medical services for children program, the Department shall appoint an Advisory Board to advise the Department on all matters concerning emergency medical service for children and to develop and implement a plan to address identified pediatric areas of need. The Advisory Board shall assist in the formulation of policy to effect the purposes of the Act and this Part. The Advisory Board shall consist of 25 members to be appointed by the Director for a term of three years. Membership of the Advisory Board shall include:
- 1) One practicing pediatrician, one pediatric critical care physician, one board certified pediatric emergency physician, neonatologist, and one pediatric rehabilitation physician, to be recommended by the Illinois Chapter of the American Academy of Pediatrics and the Chicago Chapter of the American Academy of Pediatrics;
 - 2) One pediatric surgeon, to be recommended by the Illinois Chapter of the American College of Surgeons;
 - 3) Two emergency physicians, one to be recommended by the Illinois Chapter of the American College of Emergency Physicians and one to be recommended by the National Association of EMS Physicians;
 - 4) One family practice physician, to be recommended by the Illinois Chapter of the American Academy of Family Physicians;
 - 5) Two registered nurses, one to be appointed upon recommendation of the Illinois Nurses Association and one to be appointed upon recommendation of the Illinois Chapter of the Emergency Nurses Association;
 - 6) Two emergency medical technicians of differing levels, to be appointed, one each, upon recommendation of the Illinois EMT Association and Illinois Fire Fighters Association;
 - 7) An EMS Coordinator recommended by the Northern Illinois and Southern Illinois EMS Coordinators Association;
 - 8) A representative from each of the following agencies: Division of Specialized Care for Children; Illinois State Police; Illinois Fire Chiefs Association; Illinois State Ambulance Association; Illinois Medical Society; SAFERIDS Coalition; Illinois Hospital Association; Metropolitan Chicago Healthcare Council; Illinois Department of Children and Family Services; Illinois Kiwanis Association; health policy representative; and a child advocate group;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 9) A non-voting member from the Division of Emergency Medical Services and Highway Safety and the Division of Family Health (IDPH). EMS Regional representation shall be through board members who serve as representatives of other designated constituencies. Such members shall have dual representation status in advising the Illinois Department of Public Health, but shall retain one vote. The Department shall take into consideration Regional representation when making advisory board appointments.
- b) The Advisory Board members with medical backgrounds shall have expertise and interest in emergency or critical care medical services for children. Vacancies on the Advisory Council shall be filled for the unexpired term by appointment of the Director in the same manner as originally filled. The members of the Advisory Board shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties, including travel expenses. A majority of the members of the Advisory Board shall constitute a quorum for the conduct of business of the advisory committee. A majority vote of the members present at a meeting at which a quorum is established shall be necessary to validate any action of the committee.
- c) The Department, with the advice of the Advisory Board, shall address and establish through the EMS program at least the following:
- 1) Initial and continuing education programs for emergency medical services personnel which shall include training in the emergency care of infants and children;
 - 2) Guidelines for referring children to the appropriate emergency or critical care medical facilities;
 - 3) Guidelines for pre-hospital, hospital and other pediatric emergency or critical care medical service equipment;
 - 4) Guidelines and protocols for pre-hospital and hospital facilities encompassing all levels of pediatric emergency medical services, hospital and pediatric critical care services, including, but not limited to, triage, stabilization, treatment, transfers and referrals;
 - 5) Guidelines for hospital-based emergency departments appropriate for pediatric care to assess, stabilize, and treat critically ill infants and children and if necessary to prepare the child for transfer to pediatric intensive care unit or pediatric trauma center;
 - 6) Guidelines for pediatric intensive care units, pediatric trauma centers and intermediate care units fully equipped and staffed by appropriately trained critical care pediatric physicians, surgeons, nurses and therapists;
 - 7) An inter-facility transfer system for critically ill or injured children;
 - 8) Guidelines for pediatric rehabilitation units to ensure staffing by rehabilitation specialists and capabilities to provide any

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- service required to assure maximum recovery from the physical, emotional and cognitive effects of critical illness and severe trauma;
- 9) Guidelines for the implementation of public education and injury prevention programs throughout the State in conjunction with local fire, public safety and school personnel;
- 10) Guidelines for the collection, analysis and dissemination of pediatric quality improvement information regarding ongoing improvements in the EMS program; and
- 11) Guidelines and protocols for pre-hospital providers and hospital facilities for the treatment, documentation, reporting and professional interactions with family members, and for referrals to social, psychological and rehabilitation services in suspected cases of child maltreatment.

(Source: Recumbered from Section 515.2100 and amended at 24 Ill. Reg. 306, effective 1/1/2000.)

SUBPART H: TRAUMA CENTERS

Section 515.2030 Level I Trauma Center Designation Criteria

- a) The Level I Trauma Centers Center, under the direction of the Level I Trauma Center Medical Directors Director, shall be responsible for coordinating and managing the coordination and management of trauma care in the EMS Region. This responsibility includes obtaining the cooperation of all Level II Trauma Centers, Participating Affiliate Trauma Hospitals, and EMS Systems in the EMS Region. A Level I Trauma Center Medical Director shall be the chairperson of the Regional Trauma Advisory Committee.
- b) The Trauma Center Medical Director shall be a trauma surgeon, board certified in surgery, with at least two years ~~one~~ year of post-residency experience in trauma care and with 24-hour independent operating privileges.
- c) The trauma center shall provide a trauma service, separate from the general surgery service, that which is an identified hospital service functioning under the a designated director and staffed by trauma surgeons with one year of experience in trauma, and who are available in-house 24 hours a day for with immediate response.
- 1) Trauma surgeons shall have 10 hours of trauma-related CME every two years.
 - 2) The trauma surgeon requirement may be fulfilled by residents with a minimum of four years of general surgery residency training with independent operating room privileges and who have current Advanced Trauma Life Support (ATLS) verification.
 - 3) If the resident is fulfilling the trauma surgeon requirement, the attending physician must be consulted within 30 minutes after the patient's being classified as Category I or II.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

4) If the resident is fulfilling the trauma surgeon requirement, it is mandatory that an attending be present for Category I patients 30 minutes after the decision to operate is made.

5) The trauma surgeon, resident or surgical subspecialist shall be consulted when the decision is made to admit a Category II patient. The trauma surgeon or appropriate subspecialist shall see the patient within 12 hours after Emergency Department (ED) arrival.

6) The hospital's quality improvement program shall monitor compliance with this subsection (c).

7) The trauma center shall have the option of allowing the ED personnel to determine that a trauma patient with an isolated injury may be treated by one of the services listed in subsection (d) of this Section. An isolated injury refers to the transfer of energy to a single specific anatomic body region with no potential for multisystem involvement. The subspecialist is to arrive within the designated time listed in subsection (d) after notification that his or her services are needed at the hospital. Any patient meeting the definition of isolated injury requires consultation with the appropriate subspecialist within 60 minutes after the notification that his or her services are needed at the hospital. When the need for neurosurgical intervention has been identified, the neurosurgeon must arrive and be available in a fully staffed operating room within 60 minutes after the identification of need for operative intervention. An isolated injury refers to the transfer of energy to a single specific anatomic body region with no potential for multisystem involvement.

d) The trauma center shall have the following surgical services within the designated times listed below:

1) On call to arrive at the hospital to treat the patient within 30 minutes after notification that their services are needed at the hospital:

- A) Cardiothoracic; this requirement may be fulfilled by a cardiothoracic surgeon or a trauma/general surgeon with experience in cardiothoracic surgery for lifesaving procedures; the surgeon must have cardiothoracic privileges;
- B) Obstetrics; and
- C) Pediatric surgery as designated by Section 515.2035 of this Part or by transfer agreement.

2) On call to arrive at the hospital to treat the patient within 60 minutes after notification that their services are needed at the hospital:

- A) Orthopedic;
- B) Vascular;
- C) Ophthalmologic;
- D) Oral-Dental;
- E) Otorhinolaryngologic;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

F) Plastic/maxillofacial;

G) Urologic;

H) Neurological. When the need for neurosurgical intervention has been identified, the neurosurgeon must arrive and be available in a fully staffed operating room within 60 minutes after the identification of the need for operative intervention. Neurosurgery:

3) Twenty-four hours a day, or a transfer agreement:

A) Burn center staffed by Registered Nurses trained in burn care; and

B) Acute spinal cord injury management.

e) The trauma center shall provide the following nonsurgical services within the designated times:

1) Emergency Medicine staffed 24 hours a day in the ED by:

A) A physician who has competency in trauma as demonstrated by: 1) Board certification or board eligibility certification in Emergency Medicine by the American Board of Emergency Medicine (ABEM) or the American Osteopathic Board of Emergency Medicine (AOBEM) of the American Osteopathic Association (AOA); and or

ii) Ten hours per year of American Medical Association (AMA)-approved Category I or II Trauma-related CME; or

B) A physician who was working in the emergency department of a trauma center as of January 1, 2000, and who had completed 12 months of internship, followed by at least 7000 hours of hospital-based Emergency Medicine over at least a 60-month period (including 2000 hours within one 24-month period), and CME totaling 50 hours for each post-internship year in which the physician completed any hospital-based Emergency Medicine hours.

iii) Completion of 12 months of internship followed by—at least 7000 hours of hospital-based Emergency Medicine over at least a 60-month period (including 2000 hours within one 24-month period), verified in writing by the hospital; at which time the internship and subsequent hours were completed, and continuing medical education totaling 50 hours for each post-internship year in which the physician completed any hospital-based Emergency Medicine hours (the physician may attend less than 50 hours in any given year provided the total number averages 50 hours per year of practice); or

iii) Completion of a residency program in Emergency Medicine approved by the Residency Review Committee for Emergency Medicine or the Council on Postdoctoral Training (COPD) for the AOA; and

B) An osteopathic physician certified by the AOBEM or the AOA;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

2) Anesthesiology Services:

- A) The anesthesiology service or department shall be supervised by anesthesiologists. "Supervise", for the purposes of this subsection, means to manage, control and direct the services performed, including being present in the trauma center and immediately available for consultation while the services are being performed.

B) Anesthesiology services shall be available 24 hours a day in-house.

- C) Direct patient care services may be performed by an anesthesiologist or a certified registered nurse anesthetist (CRNA) acting under the direct supervision of an anesthesiologist.

3) Radiology staffed by:

A) A technician with the ability to perform a computerized axial tomography (CAT) scan in-house, 24 hours a day.

- B) A radiologist with the ability to read CAT scans and perform angiography available within 30 minutes. This requirement may be met by a Post Graduate Year (PGY) II radiology resident or a PGY-I resident with six months experience in CAT and angiography. Teleradiographic equipment may be used to transmit CAT scans to radiologists off site in lieu of the radiologists' response to the trauma center to read CAT scans. The radiology department shall provide a quality monitoring process to validate the resident's compliance with the time requirements and competency to read CAT scans and perform angiography.

4) Intensive Care Medicine Unit (ICU) having available 24 hours a day in-house:

- A) A physician credentialed by the hospital. This requirement may be fulfilled by second and third year residents who have had intensive care training and are under the supervision of a staff physician possessing full intensive care privileges;
- B) One Registered Professional Nurse per shift with two years of ICU or critical care experience and four hours of continuing critical care education per year; Nurses; and
- C) The following equipment:

- i) Airway control and ventilation devices;
- ii) Oxygen source with concentration controls;
- iii) Cardiac emergency cart;
- iv) Electrocardiograph-Oscilloscope-defibrillator;
- v) Cardiac output monitoring;
- vi) Electronic pressure monitoring;
- vii) Mechanical ventilator-respirators;
- viii) Pulmonary function measuring devices, i.e., pulse oximeter and CO2 monitoring;
- ix) Temperature control devices;
- x) Drugs, intravenous fluids, and supplies in accordance

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

with the Hospital Licensing Requirements, 77 Ill. Adm. Code 250, specifically 250.1050, 250.2140, and 250.2710;

- xi) Intracranial pressure monitoring devices; and
- xii) Intra-aortic balloon pump capability.

5) Laboratory 24 hours a day in-house, providing the following:

- A) Standard analysis of blood, urine, and other body fluids;
 - B) Blood typing and cross-matching;
 - C) Coagulation studies;
 - D) Comprehensive blood bank or access to a community central blood bank and adequate hospital storage facilities (see Hospital Licensing Requirements, 77 Ill. Adm. Code 250, specifically 250.520);
 - E) Blood gases and pH determinations;
 - F) Microbiology, to include the ability to initiate aerobic and anaerobic cultures on a 24 hour per day basis; and
 - G) Drug and alcohol screening.
- 6) Cardiology -- 60 minutes.
 - 7) Internal Medicine -- 60 minutes.
 - 8) Neurology -- 60 minutes.
 - 9) Neuroradiology staffed by a radiologist with the ability to read CAT scans and perform angiography -- 30 minutes; this requirement may be met by a PGY-II radiology resident or PGY-I resident with six months experience in CAT and angiography.
 - 9) Pediatrics -- 60 minutes.
 - 10) Postanesthetic recovery capabilities 24 hours a day (may be fulfilled by ICU).
 - 11) Acute hemodialysis capability 24 hours a day or a transfer agreement.

f) The trauma center shall meet the following professional staff requirements:

- 1) The ED Director shall be a physician board certified by the ABEM or certified by the ABEM of the AOA;
- 2) Each shift in the ED will be staffed by at least one Registered Nurse who has completed a Trauma Nurse Specialist (TNS) Course and is currently recognized in good standing as specified in Section 515.750 of this Part. A back-up policy shall provide for a nurse with experience evidenced by successful completion of an institution orientation to trauma care in addition to a current Trauma Nurse Core Curriculum (TNCC) or 16 hours equivalent in trauma nursing education, approved by the Department, in a four-year period. A back-up schedule must be maintained unless a minimum of two TNS-trained RNs are on duty per shift;
- 3) Full-time Trauma Coordinator shall be dedicated solely to the Trauma Program; and
- 4) An operating room shall be staffed in-house and available 24 hours a day; and
- 5) Staff shall include occupational therapy, speech therapy,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- physical therapy, social work, dietary, and psychiatry.
- g) The trauma center shall provide and maintain the following equipment:
- 1) Airway control and ventilation equipment including laryngoscopes and endotracheal tubes of appropriate sizes, bag-mask, resuscitator, sources of oxygen, and mechanical ventilator, pulse oximetry and CO₂ monitoring;
 - 2) Suction devices and equipment (pulmonary and gastric);
 - 3) Electrocardiograph-oscilloscope-defibrillator;
 - 4) Apparatus to establish central venous pressure monitoring;
 - 5) All standard intravenous fluids and administration devices;
 - 6) Sterile surgical instruments or sets for emergency care, such as cricothyrotomy, tracheostomy, thoracotomy, thoracostomy, and cut down, peritoneal lavage, and intraosseous;
 - 7) Drugs and supplies necessary for emergency care;
 - 8) X-ray and CAT scan capability;
 - 9) Spinal immobilization equipment;
 - 10) Temporary pacemaker; and
 - 11) Temperature control device; and
 - 12) ~~Specialized pediatric resuscitation cart with measuring device~~

AGENCY NOTE: Broselow(TM) Pediatric Tape will meet this requirement.

- h) ~~The trauma center must have helicopter landing capabilities approved by State and Federal authorities.~~ (Section 3.95(1) of the Act) The helicopter landing capabilities shall:
- 1) Comply with the Aviation Safety Rules of the Illinois Department of Transportation (92 Ill. Adm. Code 14, specifically 14.790, 14.792, and 14.795);
 - 2) Be covered by a favorable airspace determination letter issued by the Federal Aeronautics Administration pursuant to Sections 307 and 309 of the Federal Aviation Act of 1958, and 14 CFR 157 and 14 CFR 77, Subpart D;
 - 3) Be provided on the campus of the trauma center; and
 - 4) Out-of-state trauma centers are exempt ~~exempted~~ from this subsection but must provide proof of compliance with their state's rules that govern aviation safety.
- i) The trauma center shall perform focused outcome analyses of its trauma services on a quarterly basis, and shall provide on site or upon request all minutes related to these reviews to ~~at-the-request-of~~ the Department. The analyses shall consist of at least:
- 1) Review of all patient deaths, excluding dead on arrival (DOA). Patients must be assigned a status of non-preventable death, potentially preventable death, or preventable death, or cannot be determined, using the American College of Surgeons "Performance Improvement" (Chapter 16, ~~Guidelines-for-Judgment-Regarding Mortality~~ from "Resources for Optimal Care of the Injured Patient," 1999). Factors contributing to the death must be included in the review, ~~according-to-the-American-College-of~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- ~~Surgeons--Contributing-Factors--and--Guidelines-for--Assigning Contributing-Factors--Related-to-Morbidity/Mortality--from Resources--for-Optimal-Care-of-the-Injured-Patient--;~~ A cumulative report of these findings should be kept on site and available to the Department upon request.
- 2) Review of all morbidities. A morbidity is a negative outcome that is the result of the original trauma and/or treatment rendered or omitted. Factors contributing to the morbidity must be included in the review. ~~Surgeons--Contributing-Factors--and--Guidelines-for--Assigning Surgeons--Contributing-Factors--Related-to--Morbidity/Mortality--A cumulative report of these findings must be presented quarterly to the Region.~~
- 3) Review of audit filters. An audit filter is a clinical and/or internal resource indicator used to examine the process of care and to identify potential patient care and/or internal resource problems.
- 4) ~~All information contained in or relating to any medical audit performed of a trauma center's trauma services pursuant to the Act or by an EMSND or his designee of medical care rendered by system personnel, shall be afforded the same status as is provided information concerning medical studies in Article VIII, Part 21 of the Code of Civil Procedure.~~ (Section 3.110(a) of the Act)

- j) Every two years the trauma center shall provide written protocols with the redesignation packet, which shall include the following:

- 1) ~~Eligible the protocols-and-policies~~ for treating patients in the Level I Trauma Center, which include Trauma Category I and Trauma Category II criteria as required in Section 515, Appendices C and F of this Part;
 - 2) Clinical protocols for the management of the trauma patient in basic resuscitation and management of specific injuries, kept on site and available to the Department upon request;
 - 3) ~~The protocols for transferring trauma patients to more specialized care;~~
 - 4) ~~A policy that a blood alcohol test will be drawn on any motor vehicle crash victim who is believed to have been the driver of the vehicle; and -~~
 - 5) ~~A suspension policy for trauma nurse specialists, meeting due process requirements (see Section 535.420).~~
- k) Changes to the Trauma Center Plan must be approved by the Department prior to implementation.
- 1) The practices of the trauma center shall reflect the protocols and policies of the EMS Region and Trauma Category I or Trauma Category II.
 - n) The resuscitation care of a Trauma Category I or Trauma Category II patient must be documented on a Trauma Flow Sheet, which at minimum contains trauma category classification; time and place of classification (field or in-house); time of arrival of patient to

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

trauma center; notification of surgical specialties and time of arrival to see patient (may exclude isolated injuries for Category II patients).

n) The trauma center shall maintain a job description for the Trauma Center Medical Director that details his/her responsibility and authority for the coordination and management of trauma services.

o) The trauma center shall maintain a job description for the Trauma Coordinator that details his/her responsibility and authority for the coordination and management of trauma services.

p) The trauma service must be identified in the facility's budget, with sufficient funds dedicated to support the trauma director and trauma coordinator's positions and to provide for the operation of the trauma registry.

q) The trauma center shall develop a policy that identifies resource limitations that would result in the diversion of a trauma patient to another facility. The hospital shall also develop a policy that identifies what measures will be taken to avoid requesting a resource limitation/bypass (see Section 515.315). ~~This policy shall include notification of procedures for pre-hospital personnel and surrounding trauma centers.~~

1) Such diversion must be reported to the Department by telephone if it occurs during business hours or ~~otherwise~~ written notification by fax or diversion must be sent within ~~24~~ no more than 48 hours following the diversion.

2) Both forms of notification shall include at minimum:

A) the name of the trauma center;

B) date and time of resource limitation; and

C) the reason for resource limitation.

r) The trauma center shall develop a plan for implementing a program of public information and education concerning trauma care for adult and pediatric patients.

(Source: Amended at 24 Ill. Reg. 906, effective JUN 15 2011)

Section 515.2035 Level I Pediatric Trauma Center

a) The Level I Pediatric Trauma Center Director shall advise the Trauma Center Medical Director and shall be a member of the Regional Trauma Advisory Board.

b) The Pediatric Trauma Center Medical Director shall be board certified in pediatric surgery or be a general surgeon, with at least two years of experience in pediatric trauma care, 10 hours per year of trauma-related continuing medical education (CME), and 24-hour independent operating privileges, as evidenced by:

1) care and supervision for 50 pediatric trauma cases per year; and

2) ongoing involvement in pediatric trauma care.

c) The trauma center shall provide a pediatric trauma service separate

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

from the general surgery service. The pediatric trauma service shall be staffed by pediatric trauma surgeons with one year of experience in pediatric trauma or general surgeons with two years of pediatric trauma care experience, who are available in-house 24 hours a day for immediate response.

1) The pediatric trauma surgeon requirement may be fulfilled by residents with a minimum of four years of general surgery residency training with independent operating room privileges for pediatric surgery and who have current Advanced Trauma Life Support (ATLS) verification.

2) If the resident is fulfilling the pediatric trauma surgeon requirement, the attending pediatric trauma surgeon must be consulted within 30 minutes after the patient's being classified as Category I or II.

3) If the resident is fulfilling the pediatric trauma surgeon requirement, it is mandatory that the attending pediatric trauma surgeon be present for patients undergoing operative procedures by the time the surgery begins.

4) The pediatric trauma surgeon, pediatric surgery resident or surgical subspecialist shall be consulted when the decision is made to admit a Category II patient. The pediatric trauma surgeon or appropriate subspecialist shall see the patient within 12 hours after the patient arrives in the Emergency Department (ED).

5) The hospital's quality improvement program shall monitor compliance with this subsection (c).

6) The trauma center shall have the option of allowing the ED personnel to determine that a trauma patient with an isolated injury may be treated by one of the services listed in subsection (d) of this Section. Any patient meeting the definition of isolated injury requires consultation with the appropriate subspecialist. That subspecialist is to arrive within the time designated in subsection (d) after the notification that his or her services are needed at the hospital. When the need for neurosurgical intervention has been identified, the neurosurgeon must arrive and be available in a fully staffed operating room within 60 minutes after the identification of need for operative intervention. An isolated injury refers to the transfer of energy to a single specific anatomic body region with no potential for multisystem involvement.

d) The trauma center shall provide the following surgical services within the designated times by physicians credentialed by the hospital to provide pediatric care:

1) On call to arrive at the hospital to treat the patient within 30 minutes after notification that their services are needed at the hospital:

A) Cardiothoracic; this requirement may be fulfilled by a cardiothoracic surgeon or a pediatric trauma/general surgeon

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

with experience in pediatric cardiothoracic surgery for lifesaving procedures; the surgeon must have pediatric cardiothoracic privileges; and

B) Obstetrics, or a transfer agreement.

2) On call to arrive at the hospital to treat the patient within 60 minutes after notification that their services are needed at the hospital.

A) Orthopedic;

B) Vascular;

C) Ophthalmologic;

D) Oral-dental;

E) Otorhinolaryngologic;

F) Plastic/maxillofacial;

G) Urologic;

H) Reimplantation service, or a transfer agreement;

I) Neurosurgery.

3) Twenty-four hours a day, or a transfer agreement;

A) Burn center staffed by registered nurses trained in burn care; and

B) Acute spinal cord injury management.

e) The pediatric trauma center shall provide the following nonsurgical services:

1) Department of Pediatrics with a designated Board certified pediatrician in the role of chairman.

2) Emergency Medicine staffed 24 hours a day in the ED by a physician who is board prepared or certified by the ABEM or by the American Board of Pediatrics and Pediatric Emergency Medicine (ABP/PEM) or ABEM with two year ongoing involvement in daily pediatric trauma care and 10 hours per year of trauma-related CME.

3) Anesthesiology Services:

A) The anesthesiology service or department shall be supervised by pediatric anesthesiologists. "Supervise" for the purpose of this subsection (e)(3)(B), means to manage, control and direct the services performed, including being present in the trauma center and immediately available for consultation while the services are being performed.

B) Pediatric anesthesiology services as credentialed by the hospital available 24 hours a day in-house.

C) Direct patient care services may be performed by a pediatric anesthesiologist or a certified registered nurse anesthetist (CRNA) with experience in pediatric anesthesia acting under the direct supervision of a pediatric anesthesiologist.

4) Radiology staffed by:

A) A technician with the ability to perform a computerized axial tomography (CAT) scan in-house, 24 hours a day.

B) A radiologist with the ability to read CAT scans and perform angiography available within 30 minutes. This requirement

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

may be met by a Post Graduate Year (PGY) II radiology resident with six months experience in CAT and angiography. Teleradiographic equipment may be used to transmit CAT scans to radiologists off site in lieu of the radiologists' response to the trauma center to read CAT scans. The radiology department shall provide quality monitoring process to validate the resident's compliance with the time requirements and competency to read CAT scans and perform angiography.

C) A pediatric radiologist on staff to provide a quality improvement process to validate interpretation of pediatric films.

5) Pediatric intensive care unit having available 24 hours a day:

A) A physician credentialed by the hospital. This requirement may be fulfilled by pediatric or general surgery residents at the second or third year level or by pediatric or surgical critical care fellows who have had pediatric intensive care training and are under the supervision of a staff physician possessing full pediatric intensive care privileges;

B) One Registered Professional Nurse per shift with pediatric experience documented by two years in pediatric intensive care and four hours of continuing pediatric education per year; and

C) The following pediatric equipment:

i) Airway control and ventilation devices;

ii) Oxygen source with concentration controls;

iii) Cardiac emergency cart;

iv) Electrocardiograph-oscilloscope-defibrillator;

v) Cardiac output monitoring;

vi) Electronic pressure monitoring;

vii) Mechanical ventilator-respirators;

viii) Pulmonary function measuring devices, i.e., pulse oximetry and CO(2) monitoring;

ix) Temperature control devices;

z) Drugs, intravenous fluids, and supplies in accordance with the Hospital Licensing Requirements, 77 Ill. Adm. Code 250, specifically 250.1050, 250.2140, and 250.2710; and

xi) Intracranial pressure monitoring devices.

6) Laboratory 24 hours a day in-house, providing the following:

A) Standard analysis of blood and urine, and other body fluids using micro-sampling techniques;

B) Blood typing and cross-matching;

C) Coagulation studies;

D) Comprehensive blood bank or access to a community central blood bank and adequate hospital storage facilities (see Hospital Licensing Requirements, 77 Ill. Adm. Code 250,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

specifically 250.5201;

- E) Blood gases and pH determinations;
 - F) Microbiology, to include the ability to initiate aerobic and anaerobic cultures on a 24 hour per day basis; and
 - G) Toxicology screening.
- 7) A board-certified pediatrician shall be available within 60 minutes after notification.
- 8) Pediatric cardiology 60 minutes after notification.
- 9) Neurology - 60 minutes after notification.
- 10) Postanesthetic recovery capabilities 24 hours a day (may be fulfilled by a pediatric ICU).
- 11) Acute hemodialysis capability 24 hours a day.
- 12) Open heart capability.

f) The trauma center shall meet the following professional staff requirements:

- 1) The ED Director shall be a physician board certified by the ABEM or ABB/PEM or certified by the AOBEM;
 - 2) Each shift, in the ED shall be staffed by at least one registered nurse who has completed a Trauma Nurse Specialist Course and is currently recognized in good standing as specified in Section 515.750 of this Part. A back-up policy shall provide for a nurse with experience evidenced by successful completion of an institution orientation to trauma care in addition to a current APBS, Pediatric Advanced Life Support (PALS) or Emergency Nurse Pediatric Course (ENPC) or 16 hours equivalent in trauma nursing education, approved by the Department, in a four-year period. A back-up schedule must be maintained;
 - 3) Full-time Trauma Coordinator dedicated solely to the Trauma Program;
 - 4) An operating room shall be staffed in-house and available 24 hours a day; and
 - 5) Staff shall include occupational therapy, speech therapy, physical therapy, social work, child protective services, dietary and pediatric psychiatry.
- g) The trauma center shall provide and maintain the following equipment:
- 1) Airway control and ventilation equipment including laryngoscopes and endotracheal tubes of appropriate sizes, bag-mask, resuscitator, source of oxygen, mechanical ventilator, CO2 monitoring and pulse oximeter;
 - 2) Suction devices and equipment (pulmonary and gastric);
 - 3) Electrocardiograph-oscilloscope-defibrillator, pacemaker;
 - 4) Apparatus to establish central venous pressure monitoring;
 - 5) All standard intravenous fluids and administration devices;
 - 6) Sterile surgical instruments or sets for emergency care, such as cricohyrotomy, tracheostomy, thoracotomy, thoracostomy, cut down, peritoneal lavage, intraosseous;
 - 7) Drugs and supplies necessary for emergency care;
 - 8) X-ray and CWT scan capability;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 9) Spinal immobilization equipment;
- 10) Temperature control devices;
- 11) Pediatric measuring device;
- 12) Scales; and
- 13) Specialized pediatric resuscitation cart with measuring device in the emergency area.

AGENCY NOTE: Broselow(TM) Pediatric Tape will meet this requirement.

- h) The trauma service must be identified in the facility's budget, with sufficient funds dedicated to support the trauma director and trauma coordinator positions and to provide for the operation of the trauma registry.
- i) A Level I Trauma Center seeking pediatric trauma center designation shall meet the requirements for designation as a Level I Pediatric Trauma Center (see Section 515.2030 of this Part).
- j) A Level I Pediatric Trauma Center shall meet the requirements of Section 515.2030(h)-(f) of this Part.

(Source: added at 24 Ill. Reg. 9006-~~7~~ effective 1/15/2007)

Section 515.2040 Level II Trauma Center Designation Criteria

- a) A Level II Trauma Center, under the direction of a Level II Trauma Center Medical Director, shall be responsible for providing trauma care in accordance with the EMS System Program Plan.
- b) The Trauma Center Medical Director shall be a trauma surgeon, board certified in surgery, with at least two years ~~one~~---year of post-residency experience in trauma care and with 24-hour independent operating privileges.
- c) The trauma center shall provide a trauma service, separate from the general surgery service, that ~~which~~ is an identified hospital service functioning under the designated director and staffed by trauma surgeons with one year of experience in trauma, and who will arrive at the hospital to treat the trauma patient within 30 minutes after the patient's being classified as a Category I trauma patient.
- 1) The trauma surgeons shall have 20 hours of trauma-related CME every two years.
- 2) The trauma surgeon requirement may be fulfilled by residents with a minimum of four years of general surgery residency training and current ATIS verification.
- 3) If the resident is fulfilling the trauma surgeon requirement, the attending physician must be consulted within 30 minutes after the patient's being classified as Category I or II.
- 4) If the resident is fulfilling the trauma surgeon requirement, it is mandatory that an attending be present for patients undergoing operative procedures by the time the surgery begins.
- 5) The trauma surgeon, resident or surgical subspecialist shall

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

will be consulted when the decision is made to admit a Category II patient. The trauma surgeon or appropriate subspecialist shall wait to see the patient within 12 hours after ED arrival.

6) The hospital's quality improvement program shall monitor compliance with this subsection (c).

7) The trauma center shall maintain a call schedule that identifies at least a primary and back-up surgeon, each listed by surgeon's name.

8) The trauma center shall have the option of allowing the ED personnel to determine that a trauma patient with an isolated injury may be treated by one of the services listed in subsection (d) or (e) of this Section. An isolated injury refers to the transfer of energy to a single specific anatomic body region with no potential for multisystem involvement. The subspecialist must arrive within the time frame listed in subsection (d) or (e) after notification that his or her services are needed at the hospital. Any patient meeting the definition of isolated injury requires consultation with the appropriate subspecialist within 60 minutes after the notification that his or her services are needed at the hospital. When the need for neurosurgical intervention has been identified, the neurosurgeon must arrive and be available in a fully staffed operating room within 60 minutes after the identification of need for operative intervention. An isolated injury refers to the transfer of energy to a single specific anatomic body region with no potential for multisystem involvement.

d) The trauma center shall have the following surgical services on call to arrive at the hospital to treat the patient within 60 minutes after notification that their services are needed:

1) Cardiothoracic; this requirement may be fulfilled by a cardiothoracic surgeon or a trauma/general surgeon with experience in cardiothoracic surgery for lifesaving procedures; the surgeon must have cardiothoracic privileges;

2) Obstetric;

23) Orthopedic; and

34) Urologic.

e) The trauma center shall have the following surgical specialties on call to arrive at the hospital to treat the patient within 60 minutes after notification that their services are needed. When the need for neurosurgical intervention has been identified, the neurosurgeon must arrive and be available in a fully staffed operating room within 60 minutes after the identification of the need for operative intervention. The following these services may be provided by written transfer agreement. These services must be provided according to subsection (c)(8) of this Section for isolated injuries when the trauma surgeon is not required to respond:

1) Neurosurgical;

2) Ophthalmologic;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

3) Oral-Dental;

4) Otorhinolaryngologic;

5) Reimplantation;

6) Plastic/Maxillofacial;

7) Burn center staffed by Registered Nurses trained in burn care;

8) Acute spinal cord injury management; and

9) Pediatric surgery as designated by Section 515.2045 of this Part--and--

10) Obstetrics.

f) The trauma center shall provide the following nonsurgical services within the designated times:

1) Emergency Medicine staffed 24 hours a day in the ED by:

A) A physician who has competency in trauma as demonstrated by: 1) Board certification or board eligibility by the ABEM or the AOBEM; and or

ii) Ten hours per year of AMA-approved Category I or II trauma-related CME; or

B) A physician who was working in the emergency department of a trauma center as of January 1, 2000, and who had completed 12 months of internship, followed by at least 7000 hours of hospital-based Emergency Medicine over at least a 60-month period (including 2800 hours within one 24-month period), and CME totaling 50 hours for each post-internship year in which the physician completed any hospital-based Emergency Medicine Hours.

iii) Completion of 12 months of internship--followed by--at least--7999--hours--of--hospital--based--Emergency--Medicine--over--at--least--a--60--month--period--(including--2800--hours--within--one--24--month--period)--verified--in--writing--by--the--hospital--at--which--the--internship--and--subsequent--hours--were--completed--and--continuing--medical--education--in--Emergency--Medicine--totaling--50--hours--for--each--post--internship--year--in--which--the--physician--completed--any--hospital--based--Emergency--Medicine--hours--(the--physician--may--attend--less--than--50--hours--in--any--given--year--provided--the--total--number--averages--50--hours--per--year--of--practice);--or

iiii) Completion of a residency in Emergency Medicine in a residency program approved by the Residency Review Committee for Emergency Medicine of the Council on Postdoctoral Training (CGPP) for the AOA--and--

B) An osteopathic physician certified by the AOBEM of the AOA--

2) Anesthesiology Services:

A) Anesthesiology services shall be in compliance with the Hospital Licensing Act and the Hospital Licensing Requirements, 77 Ill. Adm. Code 250.1410. Staff shall be on call to arrive at the hospital to administer anesthesia within 30 minutes after notification that their services are

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

needed at the hospital.

- B) Direct patient care services may be performed by an anesthesiologist or a CRNA.
- 3) Laboratory -- 24 hours a day in-house, providing the following:
 - A) Standard analysis of blood, urine, and other body fluids;
 - B) Blood typing and cross-matching;
 - C) Coagulation studies;
 - D) Comprehensive blood bank or access to a community central blood bank and adequate hospital storage facilities (see Hospital Licensing Requirements, 77 Ill. Adm. Code 250, specifically Section 250.520);
 - E) Blood gases and pH determinations;
 - F) Microbiology, to include the ability to initiate aerobic and anaerobic cultures on a 24 hour per day basis; and
 - G) Drug and alcohol screening.
- 4) Radiology staffed by:
 - A) A technician with the ability to perform a CAT scan available within 30 minutes; and
 - B) A radiologist with the ability to read CAT scans and perform angiography available within 60 minutes. This requirement may be met by a PGY II radiology resident or PGY-I--resident with six months experience in CAT and angiography. The radiology department shall provide a quality monitoring process to validate the resident's compliance with the time requirements and competency to read CAT scans and perform angiography. Teleradiographic equipment may be used to transmit CAT scans off site in lieu of the radiologist's response to the trauma center to read CAT scans.
- 5) Cardiology -- 60 minutes.
- 6) Internal Medicine -- 60 minutes.
- 7) Neurology -- 60 minutes.
- 8) Postanesthetic recovery capability staffed and available within 30 minutes may be fulfilled by ICU.
- 9) Intensive Care Medicine Unit having available the following:
 - A) A physician credentialed by the hospital and available within 30 minutes. This requirement may be fulfilled by second and third year residents who have had intensive care training and are under the supervision of a staff physician possessing full intensive care privileges;
 - B) One Registered Professional Nurse per shift with two years ICU experience and four hours of continuing critical care education per year. Nurses 24-hours-a-day-in-the--intensive care-unit--and
 - C) The following equipment 24-hours-a-day-in-house:
 - i) Airway control and ventilation devices;
 - ii) Oxygen source with concentration controls;
 - iii) Cardiac emergency cart;
 - iv) Electrocardiograph--oscilloscope--defibrillator;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- v) Temperature control devices;
 - vi) Drugs, intravenous fluids, and supplies in accordance with the Hospital Licensing Requirements, 77 Ill. Adm. Code 250, specifically Sections 250.1050, 250.2140, and 250.2710; and
 - vii) Mechanical ventilator--respirators; and
 - viii) Pulmonary function measuring devices (i.e., pulse oximetry, CO[2] monitoring).
- 109) Pediatrics -- 60 minutes.
 - 11) Acute hemodialysis capability 24 hours a day or a transfer agreement.
 - g) The trauma center shall meet the following professional staff requirements:
 - 1) The ED Director shall be a physician board certified by the ABEM, or certified by the AOBEM of the AOA; a physician--who--has completed--12--months-of--internship--followed-by-60-months-plus-7000-hours-of-hospital-based-emergency-medicine-(1800-of-the-7000-hours-must-be-completed-within-one-24-month-period); and-50-hours-of-continuing-medical-education-in-emergency-medicine--for--each-complete--year--of--practice;--or-a-physician-who-has-completed-a-residency-program-approved-by-the-Residency-Review-Committee--for-Emergency-Medicine--or-by-the-ABA;
 - 2) Each shift in the ED will be staffed by at least one Registered Nurse who has completed a Trauma Nurse Specialist Course and is currently recognized in good standing as specified in Section 515.750 of this Part. A back-up policy shall provide for a nurse with experience evidenced by TNCC or 16 hours equivalent in trauma nursing education, approved by the Department, in a four-year period. A back-up schedule must be maintained unless a minimum of two TNS-trained RNs are on duty per shift;
 - 3) A full-time Trauma Coordinator dedicated solely to the Trauma program; and
 - 4) An operating room shall be staffed and available within 30 minutes 24 hours a day; and;
 - 5) Staff shall include occupational therapy, speech therapy, physical therapy, social work, dietary, and psychiatry.
 - h) The trauma center shall provide and maintain the following equipment:
 - 1) Airway control and ventilation equipment including laryngoscopes and endotracheal tubes of appropriate sizes, bag-mask resuscitator, sources of oxygen, and mechanical ventilator, pulse oximetry and CO[2] monitoring;
 - 2) Suction device;
 - 3) Electrocardiograph--oscilloscope--defibrillator;
 - 4) Apparatus to establish central venous pressure monitoring;
 - 5) All standard intravenous fluids and administration devices;
 - 6) Sterile surgical sets of procedures standard for ED, such as cricothyrotomy, tracheostomy, thoracotomy, and cut down, peritoneal lavage, and intrascous;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

7) Gastric lavage equipment;

- 7)g) Drugs and supplies necessary for gastric lavage;
 8)g) X-ray and CAT scan capability, available within 30 minutes;
 9)g) Spinal immobilization equipment;
 10)g) Temporary pacemaker; and
 11) Temperature control device; and
 12) Specialized pediatric resuscitation with measuring device cart in the emergency area.

AGENCY NOTE: A Broselow/TM Tape will meet this requirement. The trauma center must have helicopter landing capabilities approved by State and Federal authorities. (Section 3.100(j) of the Act) The helicopter landing capabilities shall:

- 1) Comply with the Aviation Safety Rules of the Illinois Department of Transportation (92 Ill. Adm. Code 14, specifically Sections 14.790, 14.792 and 14.795);
 - 2) Be covered by a favorable airspace determination letter issued by the Federal Aeronautics Administration pursuant to Sections 307 and 309 of the Federal Aviation Act of 1958, and 14 CFR 157 and 14 CFR 77, Subpart D; and
 - 3) Be provided on the campus of the trauma center.
- Out-of-state trauma centers are exempted from this subsection (i) but must comply with their state's rules that govern aviation safety.
- j) The trauma center shall perform focused outcome analyses of its trauma services on a quarterly basis and shall provide all minutes related to these reviews on site or at the request of the Department. The analyses shall consist of at least:

- 1) Review of all patient deaths, excluding dead on arrival (DOA). Patients must be assigned a status of non-preventable death, potentially preventable death, or preventable death, or cannot be determined, using the American College of Surgeons "Performance Improvement" (Chapter 19, Guidelines for Judgment Regarding Mortality) from "Resources for the Optimal Care of the Injured Patient, 1999". Factors contributing to the death must be included in the review, according to the American College of Surgeons "Contributing Factors and Guidelines for Assigning Contributing Factors Related to Morbidity/Mortality" (from "Resources for the Optimal Care of the Injured Patient"). A cumulative report of these findings shall be available on site and upon request by the Department.
- 2) Review of all morbidities. A morbidity is a negative outcome that is the result of the original trauma and/or treatment rendered or omitted. Factors contributing to the morbidity must be included in the review, according to the American College of Surgeons "Contributing Factors and Guidelines for Assigning Contributing Factors Related to Morbidity/Mortality". A cumulative report of these findings must be presented quarterly to the Region.
- 3) Review of audit filters. An audit filter is a clinical and/or

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

internal resource indicator used to examine the process of care and to identify potential patient care and/or internal resource problems.

4) All information contained in or relating to any medical audit performed of a trauma center's trauma services pursuant to the Act, or by an EMSAP or his designee of medical care rendered by system personnel, shall be afforded the same status as is provided information concerning medical studies in Article VIII, Part 21 of the Code of Civil Procedure. (Section 3.110(a) of the Act)

k) Every two years the trauma center shall provide to the Department written protocols concerning the following:

- 1) Policies for treating ~~the treatment of~~ trauma patients in the trauma center, which includes Trauma Category I and Trauma Category II criteria as required in Section 515, Appendices C and F of this Part;
- 2) Clinical protocols for management of the trauma patient in basic resuscitation and management of specific injuries. Protocols are to be kept on site and available to the Department upon request.
- 3)g) The transfer of trauma patients to the Level I Trauma Center serving the EMS Region or a more specialized level of care;
- 4)g) A policy that blood alcohol will be drawn on a motor vehicle crash victim who is believed to have been the driver of the vehicle;
- 5) A suspension policy for trauma nurse specialists meeting due success requirements (see Section 515.420).

l) Changes to the Trauma Center Plan must be approved by the Department prior to implementation.

m) The practices of the trauma center shall reflect the protocols and policies of the EMS Region and Trauma Center Plan.

n) The resuscitation care of a Trauma Category I or Trauma Category II patient must be documented on a Trauma Flow Sheet, which at minimum contains trauma category classification, time and place of classification (field or in-house), time of arrival of patient to trauma center, notification of surgical specialties and time of arrival to see patient (may exclude isolated injuries for Category II patients).

o) The trauma center shall maintain a job description for the Trauma Center Medical Director, which details his/her responsibility and authority for the coordination and management of trauma services.

p) The trauma center shall maintain a job description for the Trauma Coordinator, which details the responsibility and authority for the coordination and management of trauma services.

g) The trauma service must be identified in the facility's budget with sufficient funds dedicated to support, at a minimum, the trauma director and trauma coordinator positions and to provide for operation of the trauma registry.

l)g) The trauma center shall develop a policy that identifies situations

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

that would result in trauma bypass. The hospital shall also develop a policy that identifies what measures will be taken to avoid requesting a resource limitation/bypass (see Section 515.315). This policy shall include notification of procedures for pre-hospital personnel and surrounding trauma centers.

- 1) Such diversion must be reported to the Department by telephone if it occurs during business hours or otherwise written notification by fax or diversion must be sent within 24 no-note then 48 hours following the diversion.
- 2) Both forms of notification shall include at minimum:
 - A) The name of the trauma center;
 - B) Date and time of resource limitation; and
 - C) The reason for resource limitation.

s) The trauma center shall develop a plan for implementing a program of public information and education concerning trauma care for adult and pediatric patients.

(Source: Amended at 24 Ill. Reg. 9006 effective

JUN 15 2006)

Section 515.2045 Level II Pediatric Trauma Center

- a) The Level II Pediatric Trauma Director shall advise the Trauma Center Medical Director and shall be a member of the Regional Trauma Advisory Board.
- b) The Pediatric Trauma Center Medical Director shall be a pediatric trauma surgeon or a board certified general surgeon with at least two years of experience in pediatric trauma care, board certification in pediatric surgery, at least one year of experience in pediatric trauma care, 10 hours per year of trauma-related CME, and 24-hour independent operating privileges, as evidenced by either:
 - 1) responsibility for 50 pediatric trauma cases per year; or
 - 2) both:
 - A) responsibility for 10 percent of the total number of pediatric trauma cases at the trauma center per year; and
 - B) ongoing involvement in pediatric trauma care.
- c) The trauma center shall provide a pediatric trauma service separate from the general surgery service. The pediatric trauma service shall be staffed by pediatric trauma surgeons who have one year of experience in trauma, who have 24-hour independent operating privileges, and who will arrive at the hospital to treat the trauma patient within 30 minutes after the patient's being classified as a Category I trauma patient.
 - 1) The pediatric trauma surgeon requirement may be fulfilled by residents with a minimum of four years of pediatric surgery residency training and who have current APTS verification.
 - 2) If the resident is fulfilling the pediatric trauma surgeon requirement, the attending pediatric trauma surgeon must be

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

- consulted within 30 minutes after the patient's being classified as Category I or II.
- 3) If the resident is fulfilling the pediatric trauma surgeon requirement, it is mandatory that the attending pediatric trauma surgeon be present for Category I patients undergoing operative procedures by the time the surgery begins.
- 4) The pediatric trauma surgeon, pediatric surgery resident or surgical subspecialist shall be consulted when the decision is made to admit a Category II patient. The pediatric trauma surgeon or appropriate subspecialist shall see the patient within 12 hours after ED arrival.
- 5) The hospital's quality improvement program shall monitor compliance with this subsection (c).
- 6) The trauma center shall maintain a call schedule that identifies at least a primary and back-up pediatric surgeon with each surgeon listed by name.
- 7) The trauma center shall have the option of allowing the ED personnel to determine that a trauma patient with an isolated injury may be treated by one of the services listed in subsection (d) or (e) of this Section. Any patient meeting the definition of isolated injury requires consultation with the appropriate subspecialist. That subspecialist is to arrive within the time designated in subsection (d) after the notification that his or her services are needed at the hospital. When the need for neurosurgical intervention has been identified, the neurosurgeon must arrive and be available in a fully staffed operating room within 60 minutes after the identification of need for operative intervention. An isolated injury refers to the transfer of energy to a single specific anatomic body region with no potential for multisystem involvement.
- d) The trauma center shall provide the following surgical services by physicians who are credentialed by the hospital to provide pediatric care, and who are on call to arrive at the hospital to treat the patient within 60 minutes after notification that their services are needed:
 - 1) Cardiothoracic; this requirement may be fulfilled by a cardiothoracic surgeon or a pediatric trauma/general surgeon with experience in pediatric cardiothoracic surgery for lifesaving procedures; the surgeon must have pediatric cardiothoracic privileges;
 - 2) Obstetrics;
 - 3) Orthopedic; and
 - 4) Urologic.
- e) The trauma center shall have the following surgical specialties by physicians who are credentialed by the hospital to provide pediatric care and who are on call to arrive at the hospital to treat the patient within 60 minutes after notification that their services are needed. These services may be provided by written transfer agreement.
 - 1) Cardiothoracic; this requirement may be fulfilled by a cardiothoracic surgeon or a pediatric trauma/general surgeon with experience in pediatric cardiothoracic surgery for lifesaving procedures; the surgeon must have pediatric cardiothoracic privileges;
 - 2) Obstetrics;
 - 3) Orthopedic; and
 - 4) Urologic.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

These services must be provided according to subsection (c)(7) of this Section for isolated injuries when the trauma surgeon is not required to respond:

- 1) Neurosurgical with two years experience in pediatric neurosurgery;
- 2) Ophthalmologist;
- 3) Oral-dental;
- 4) Otorhinolaryngologist;
- 5) Reimplantation;
- 6) Plastic/maxillofacial;
- 7) burn center staffed by registered nurses trained in burn care; and

8) Acute spinal cord injury management.

f) The pediatric trauma center shall provide the following nonsurgical services within the designated times:

- 1) Emergency Medicine staffed 24 hours a day in the ED by a physician who is board prepared or certified by the ABEM, ABP/PEM or AOBPM with two-year ongoing involvement in daily pediatric trauma care, and 10 hours per year of trauma-related CME.

2) Anesthesiology Services:

A) Anesthesiology services shall be in compliance with the Hospital Licensing Act and the Hospital Licensing Requirements, 77 Ill. Adm. Code 250.1410. Staff shall be on call to arrive at the hospital to administer anesthesia within 30 minutes after notification that their services are needed the hospital.

- B) Direct patient care services may be performed by an anesthesiologist or a CRNA with experience in pediatric anesthesia under the direct supervision of an anesthesiologist.

3) Laboratory 24 hours a day in-house, providing the following:

- A) Standard analysis of blood, urine, and other body fluids;
- B) Blood typing and cross-matching;
- C) Coagulation studies;
- D) Comprehensive blood bank or access to a community central blood bank and adequate hospital storage facilities (see Hospital Licensing Requirements, 77 Ill. Adm. Code 250.1 specifically Section 250.520);
- E) Blood gases and pH determinations;

F) Microbiology, to include the ability to initiate aerobic and anaerobic cultures on a 24 hour per day basis; and

G) Toxicology screening.

4) Department of Pediatrics with board certified pediatrician in the role of Chairman, and a board certified pediatrician shall be available within 60 minutes after notification that his or her services are needed.

5) Radiology staffed by:

- A) A technician with the ability to perform a CAT scan

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

available within 30 minutes after notification:

- B) A radiologist with the ability to read CAT scans and perform angiography available within 60 minutes. This requirement may be met by a pcy II radiology resident with six months experience in CAT and angiography. The radiology department shall provide a quality monitoring process to validate the resident's compliance with the time requirements and competency to read CAT scans and perform angiography. Tele-radiographic equipment may be used to transmit CAT scans off site in lieu of the radiologist's response to the trauma center to read CAT scans; and
- C) A pediatric radiologist on staff to provide a quality improvement process to validate interpretation of pediatric films.

6) Pediatric cardiology 60 minutes after notification.

7) Neurology.

8) Postanesthetic recovery capability staffed and available within 30 minutes (may be fulfilled by pediatric ICU).

9) ICU having available the following:

- A) A physician credentialed by the hospital and available within 30 minutes. This requirement may be fulfilled by second and third year residents who have had intensive care training, and are under the supervision of a staff physician possessing full intensive care privileges;

B) One Registered Professional Nurse per shift in the ICU, with pediatric experience documented by two years in pediatric care and four hours of continuing pediatric education per year; and

C) The following pediatric equipment 24 hours a day in-house:

- i) Airway control and ventilation devices;
- ii) Oxygen source with concentration controls;
- iii) Pulse oximeter and CO(2) monitoring;
- iv) Cardiac emergency cart;
- v) Electrocardiograph-oscilloscope-defibrillator;
- vi) Temperature control devices;
- vii) Temperature control devices;
- viii) Drugs, intravenous fluids, and supplies in accordance with the Hospital Licensing Requirements, 77 Ill. Adm. Code 250, specifically Sections 250.1050, 250.2140, and 250.2710; and

ix) Mechanical ventilator-respirators.

10) Acute hemodialysis capability 24 hours a day, or a transfer agreement.

g) The trauma center shall meet the following professional staff requirements:

- 1) The ED Director shall be a physician board certified by the ABEM, AOBEM, or ABP/PEM.
- 2) Each shift in the ED will be staffed by at least one Registered Nurse who has completed a Trauma Nurse Specialist Course as

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

specified in Section 515.750 of this Part and Advanced Pediatric Life Support (APLS). A back-up policy shall provide for a nurse with experience evidenced by APLS, Pediatric Advanced Life Support (PALS) or Emergency Nurses Pediatric Course (ENPC) or 16 hours equivalent in trauma nursing education, approved by the Department, in a four-year period. A back-up schedule must be maintained.

- 3) A full-time Trauma Coordinator dedicated solely to the Trauma program.
 - 4) An operating room shall be staffed and available within 30 minutes, 24 hours a day.
 - 5) Staff shall include occupational therapy, speech therapy, social work, child protective services and psychiatry.
- b) The trauma center shall provide and maintain the following equipment:
- 1) Airway control and ventilation equipment, including laryngoscopes and endotracheal tubes of appropriate sizes, bag-mask, resuscitator, sources of oxygen, mechanical ventilator, CO2 monitoring, and pulse oximeter;
 - 2) Suction device;
 - 3) Electrocardiograph-oscilloscope-defibrillator, pacemaker;
 - 4) Apparatus to establish central venous pressure monitoring;
 - 5) All standard intravenous fluids and administration devices;
 - 6) Sterile surgical sets of procedures standard for ED, such as cricothyrotomy, tracheostomy, thoracotomy, cut down, peritoneal lavage, intraosseous;
 - 7) Drugs and supplies necessary for emergency care;
 - 8) X-ray and CAT scan capability, available within 30 minutes;
 - 9) Spinal immobilization equipment;
 - 10) Temperature control devices;
 - 11) Pediatric measuring device;
 - 12) Scale; and
 - 13) Specialized pediatric resuscitation cart with measuring device in the emergency area.

AGENCY NOTE: Broselow(TM) Pediatric Tape will meet this requirement.

i) The trauma service must be identified in the facility's budget, with sufficient funds dedicated to support the trauma director and trauma coordinator positions and to provide for the operation of the trauma registry.

- ii) A Level II Trauma Center seeking designation as a Pediatric Trauma Center shall be designated as a Level II Pediatric Trauma Center.
- k) For additional requirements for Level II Pediatric Trauma Centers, see Section 515.2040.

l) A Level II Pediatric Trauma Center shall meet the requirements of Section 515.2030(b)-(r) of this Part.

(Source: Added 2008 24 Ill. Reg. 9005-5, effective 1/1/08)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 515.2050 Trauma Center Uniform Reporting Requirements

- a) Each trauma center shall have available to the Trauma Service use of an IBM compatible personal computer capable of handling the software contracted by the Department and that meets the following general standards: CPU 80586, 200 MHz, RAM 32MB, hard drive 1GB, floppy drive 3 1/2" CD ROM 2x, color VGA, ink or laser printer, 57.6 Baud Modem software to support the trauma registry program, remote support software. 486-microprocessor-32-megabytes-Random-Access-Memory-(RAM)-adequate-hard-drive-space-to-accommodate-the-trauma-center's-data-files-and-heads-at-least-14-kbs-modem-color-monitor-printer-and back-up-capability. The Department shall provide Trauma Registry software for use by the trauma center. This software shall be used for data collection and shall have a provision to prepare electronic media reports to the Department on a quarterly basis.

AGENCY NOTE: For example, Windows 95 N/T would support the trauma registry and pcAnywhere would provide remote support. Windows-95-would

meet-these-requirements:

- b) The trauma center shall provide the following information on each reportable trauma patient:
 - 1) Registry Number;
 - 2) Medical Record Number;
 - 3) Name (first and last);
 - 4) Address, City, State, County and Zip Code;
 - 5) EMS Region;
 - 6) Age;
 - 7) Sex;
 - 8) Race;
 - 9) Mechanism of Injury (International Classification of Disease (ICD) 9 E codes - 4 digits);

- 10) Safety Equipment;
- 11) Hospital Transfer From and Hospital Transfer To;
- 12) Vehicle Number for all Transporting Agencies;
- 13) Transport mode;
- 13) Run Sheet;
- 14) Date Arrived At Scene (only for when pre-hospital transport is involved);
- 15) ED Arrival Date;
- 16) ED Disposition Date;
- 17) Glasgow Coma Scale Components (Eye, Motor, Verbal and Total) in ED;

- 18) First Temperature in ED;
- 19) ED Blood Pressure, Pulse, Respiratory Rate;
- 20) ED Revised Trauma Score;
- 21) ED Triage Category;
- 22) Minimum Field Triage Criteria;
- 23) ED Treatment;
- 24) Blood Alcohol level in all drivers in motor vehicle crashes;

DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

- 25) Blood Units Administered;
- 26) Physician Type, Notification Time, Arrival Time;
- 27) Admitting Services;
- 28) Medical Complications;
- 29) Total ICU Days, Monitored Bed Days and Unmonitored Bed Days;
- 30) Number of Ventilator Days;
- 31) Surgery Performed, Surgery Date;
- 32) Additional Surgeries;
- 33) Abbreviated Injury Scale for each injury;
- 34) Injury Severity Score (ISS) range 1-75;
- 35) Primary Pay Source;
- 36) Discharge Condition and Date;
- 37) Total Hospital Days;
- 38) Crash Record Number;
- 39) Pre-Hospital Record Number;
- 40) Injury Date and Time;
- 41) System Access;
- 42) Scene FIPS Code;
- 43) Work Related;
- 44) Date Arrived at Transferring Hospital;
- 45) Time Arrived at Transferring Hospital;
- 46) Glasgow Coma Scale at Transferring Hospital;
- 47) Systolic Blood Pressure at Transfer In Hospital;
- 48) Respiratory Rate at Transfer In Hospital;
- 49) Care at Transfer In Hospital;
- 50) Date Out of Transfer Hospital;
- 51) Time Out of Transfer Hospital;
- 52) Pre-Hospital Response Minutes;
- 53) Pre-Hospital Scene Minutes;
- 54) Pre-Hospital Transportation Minutes;
- 55) Pre-Hospital Glasgow Total;
- 56) Pre-Hospital Systolic Blood Pressure;
- 57) Pre-Hospital Respiratory Rate;
- 58) Emergency Department Arrival Time;
- 59) Drug Screen;
- 60) Emergency Department Glasgow Coma Scale Total;
- 61) Minutes Prior to CT Scan;
- 62) Admit to Physician Number;
- 63) Time of First Operation;
- 64) ICD-9-CM Procedure Codes;
- 65) Unanticipated Operation;
- 66) Return to Operating Room;
- 67) ICD-9-Nature of Injury Codes 800-959;
- 68) Scene City, Address, Zip Code;
- 69) Vehicle Position of Driver;
- 70) Pre-Hospital patient Contact Time;
- 71) Emergency Department Triage Time;
- 72) Emergency Department Reason for Transfer;

- 73) Emergency Department Disposition Deaths;
- 74) Medical Complications;
- 75) Hospital Discharge Disposition;
- 76) Expression;
- 77) Feeding;
- 78) Locomotion; **and**
- 79) Total Hospital Charges.
- c) Reportable trauma patients
 - 1) A reportable trauma patient is one who was involved in a traumatic event and:
 - A) was transferred to the trauma center from another hospital;
 - B) was transferred from the trauma center to another hospital;
 - C) was admitted to the trauma center as an inpatient;
 - D) was assigned an observation status and had a length of stay greater than 12 hours from time of arrival in the ED;
 - E) was dead on arrival (DOA);
 - F) died in the emergency department (DIE); or
 - G) signed out against medical advice after refusing admission (AMA).

- 2) A traumatic event is one in which there was a transfer of energy resulting in injury, involving any of the following:
 - A) aircraft;
 - B) watercraft;
 - C) motor vehicles;
 - D) railway;
 - E) recreational vehicles;
 - F) farm machinery;
 - G) animals, including bites;
 - H) explosion;
 - I) falls;
 - J) thermal (including smoke inhalation)/chemical/radiation injuries;
 - K) lightning;
 - L) weather related (tornado, flood, blizzard) injuries;
 - M) struck by falling object;
 - N) sports related;
 - O) caught between objects;
 - P) cutting or piercing instruments or objects;
 - Q) firearms;
 - R) electric current;
 - S) suicide or self-inflicted injury;
 - T) homicide;
 - U) injury inflicted by others;
 - V) hanging; or
 - W) strangulation.
- d) Illinois trauma registry reporting schedule

Patients Discharged	Report Date
---------------------	-------------

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

January - March
April - June
July - September
October - December

June 30
September 30
December 31
March 31

e) The trauma center shall have a policy to back up and archive data on a regular basis.

e†) Data shall be collected for all trauma patients in the State for each level of injury. Severity score, mean mortality rate, and standard deviations shall be calculated using standard statistical methods. Trauma centers with mortality rates more than one standard deviation above the mean or more ISS levels shall have an in-depth evaluation by the Department prior to renewal of designation. Trauma centers with mortality rates more than two standard deviations above the mean in any ISS level less than 35 shall also be evaluated for compliance with the Act and this Part prior to renewal of designation. The Department shall review a trauma center whose annual mortality falls two standard deviations above the mean.

f) Data collected from individual trauma centers shall be cross-referenced with Vital Records Death Certificates to confirm accuracy.

g) Annual reports shall be prepared by the Department presenting summary data to allow trauma centers to evaluate performance. This data shall have all hospital and patient identifiers removed.

h) All data received by the Department shall be kept confidential. Patient identifiers shall be kept in such a way to assure that confidentiality is maintained and is not available to the public.

1) All reports and records made pursuant to the Head and Spinal Cord Injury Act [410 ILCS 515] and maintained by the Department and other appropriate persons, officials and institutions pursuant to the Head and Spinal Cord Injury Act shall be confidential. Information shall not be made available to any individual or institution except to:

- A) Appropriate staff of the Department;
- B) Any person engaged in a bona fide research project, with the permission of the Director of Public Health, except that no information identifying the subjects of the reports or the reporters shall be made available to researchers unless the Department requests and receives consent for such release pursuant to the provisions of this Section; and
- C) The Advisory Council on Spinal Cord and Head Injuries, except that no information identifying the subjects of the reports or the reporters shall be made available to the Council unless consent for release is requested and received pursuant to the provisions of this Section. Only information pertaining to head and spinal cord injuries as defined in Section 1 of except that no information identifying the subjects of the reports or the reporters

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

shall be made available to the Council unless consent for release is requested and received pursuant to the provisions of this Section. Only information pertaining to head and spinal cord injuries as defined in Section 1 of the Head and Spinal Cord Injury Act shall be released to the Council. (Section 3 of the Head and Spinal Cord Injury Act)

2) The Department shall not reveal the identity of a patient, physician or hospital, except that the identity of the patient may be released upon written consent of the patient, parent or guardian, the identity of the physician may be released upon written consent of the physician, and the identity of the hospital may be released upon written consent of the hospital. (Section 3 of the Head and Spinal Cord Injury Act)

3) The Department shall request consent for release from a patient, a physician or hospital only upon a showing by the applicant for such release that obtaining the identities of certain patients, physicians or hospitals is necessary for his bona fide research directly related to the objectives of the Head and Spinal Cord Injury Act. (Section 3 of the Head and Spinal Cord Injury Act)

i) Availability of Registry information

- 1) All requests by medical or epidemiologic researchers for confidential registry data must be submitted in writing to the registry. The request must include a study protocol that contains: objectives of the research; rationale for the research; overall scientific literature justifying current proposals; overall study methods, including copies of forms, questionnaires, and consent forms used to contact facilities, physicians or study subjects, including methods for documenting compliance with 42 CFR 2A, pars. 4 ambulance, 6 a-b, 7 a-b; methods for the processing of data; storage and security measures taken to ensure confidentiality of patient identifying information; time frame of the study; a description of the funding source of the study (e.g., federal contract); the curriculum vitae of the principal investigator; and a list of collaborators. In addition, the research request must specify how patient or facility identifying information is needed and how the information will be used.

2) All requests to conduct research and modifications to approved research proposals involving the use of data that includes patient or facility identifying information shall be subject to a review to determine compliance with the following conditions:

- A) The request for patient or facility identifying information contains stated goals or objectives;
- B) The request documents the feasibility of the study design in achieving the stated goals and objectives;
- C) The request documents the need for the requested data to achieve the stated goals and objectives;
- D) The requested data can be provided within the time frame set

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

forth in the request;

E) The request documents that the researcher has qualifications relevant to the type of research being conducted;

F) The research will not duplicate other research already underway using the same registry data when both require the contact of a patient, reporting facility or physician about an individual patient involved in the previously approved concurrent research; and

G) Other such conditions relevant to the need for the patient or facility identifying information and the patient's confidentiality rights, because the Department will only release the name of the patient, physician (in accordance with the provisions of this Section) or facility identifying information that is necessary for the research.

3) Research Agreements

A) The Department will enter into research contracts for all approved research requests. These contracts shall specify exactly what information is being released and how it can be used in accordance with the standards in subsection (C) of this Section. In addition, the researcher shall include an assurance that:

i) Use of data is restricted to the specifications of the protocol;

ii) Any and all data that may lead to the identity of any patient, research subject, physician, other person, or hospital is strictly privileged and confidential and that such data will be kept strictly confidential at all times;

iii) All officers, agents and employees will keep all such data strictly confidential; will communicate the requirements of this subsection to all officers, agents, and employees; will discipline all persons who may violate the requirements of this Section; and will notify the Department in writing within 48 hours after any violation of this subsection, including full details of the violation and corrective actions to be taken;

iv) All data provided by the Department pursuant to the contract may only be used for the purposes named in the contract and that any other or additional use of the data may result in immediate termination of the contract by the Department; and

v) All data provided by the Department pursuant to the contract is the sole property of the Department and may not be copied or reproduced in any form or manner and that all data and all copies and reproduction of the data will be returned to the Department upon termination of the contract.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

B) Any departures from the approved protocol must be submitted in writing and approved by the Director in accordance with subsection (c)(2) of this Section prior to initiation. No patient or facility identifying information may be released by a researcher to a third party.

4) The Department shall disclose individual patient or facility information to the reporting facility that originally supplied that information to the Department, upon written request of the facility.

j) The patient identifying information submitted to the Department by those entities required to submit information under the Act and this part is to be used in the course of medical study under Part 21 of Article 8 of the Code of Civil Procedure (735 ILCS 5). Therefore, this information is privileged from disclosure by Part 21 of Article 8 of the Code of Civil Procedure.

k) The identity of any facility, or any group of facts that tends to lead to the identity of any person whose condition or treatment is submitted to the Department, shall not be open to public inspection or dissemination. Such information shall not be available for disclosure, inspection or copying under the Freedom of Information Act or the State Records Act. All information for specific research purposes may be released in accordance with procedures established by the Department in this Section.

l) Every hospital shall provide representatives of the Department with access to information from all medical, pathological, and other pertinent records and logs related to reportable registry information. The mode of access and the time during which this access will be provided shall be by mutual agreement between the hospital and the Department. The Department shall not require hospitals to provide information on cases that are dated more than two years before the Department's request for further information.

m) Every hospital shall provide access to information regarding specified patients or other patients specified for research studies, related to reportable registry information, conducted by the Department. Any disputes as to access shall be resolved by the hospital and the Department within 30 days after requests for access have been denied.

(Source: Amended at 24 Ill. Reg. 9006, effective JUN 15 2000)

Section 515.2100 Pediatric Care (Renumbered)

(Source: Section 515.2100 renumbered to Section 515.445 at 24 Ill. Reg. 9006, effective JUN 15 2000)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 515.APPENDIX A A Request for Designation (RFD) Trauma Center

a) Name and address of hospital (typed)

- 1) Specify the designation level for which your hospital is applying:
A) Level I _____
B) Level II _____
2) The above named facility certifies that each requirement listed in this Request for Designation is met and will be operational by the date of designation.

Typed name CEO/Administrator

Signature CEO/Administrator Date

Typed name Trauma Director

Signature Trauma Director Date

Contact person and phone

b) Level I Designation Criteria

Provide a Trauma Plan which explains how each of the requirements will be met. Options include provision of services in-house, by transfer agreement or by waiver. Requests for waiver must include the requirement or standards with which it considers compliance to be a hardship and demonstrate how there will be no reduction in the standards of medical care. (Section 3.185 of the Act) The Trauma Plan must be submitted in the order listed in this Appendix A. Each section of the Plan must reference the applicable portion of this Part by subsection number.

1) Table of Organization

Construct a Table of relationships among all departments in the hospital, especially

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

as they relate to the trauma service. In addition, please include a separate table that shows the structure of the trauma service. The table must include but is not limited to:

- A) Board of Directors
B) Chief Executive Officer
C) Department of Surgery
D) Trauma Service
E) Department of Medicine
F) Department of Radiology
G) Emergency Department
H) Rehabilitation Department
2) Trauma Director Requirements
A) Job Description (Section 515.2030(n))
B) Curriculum Vitae (Section 515.2030(b))
3) Surgical Services
A) Description of the Trauma Service (Section 515.2030(c))
B) Complete Appendix G Attachment--1 to describe the trauma surgeon staffing and availability.
C) If general surgery residents are used to fulfill the trauma surgeon requirement, provide a statement regarding the level of training; ATLS verification; independent operating room privileges; and supervision and oversight.
D) Provide a statement regarding the ability to meet the requirements for surgical services in Section 515.2030(d)(1)-(3) and (2)(f). Each surgical service must have a separate statement.

4) Non-surgical services and professional staff

- A) Emergency Department Director - Provide board certification (Section 515.2030(E)(9)(1)).
B) Emergency Physicians - Complete Appendix H Attachment--2 (Section 515.2030(F)(1)(A)).
C) Emergency Medicine Registered Nurse staffing--(Section 515.2030(F)(9)(B) and trauma Nurse Specialty requirements (Section 515.2030(F)(9)(2)) - Provide a statement that describes the staffing for each.
D) Anesthesiology services - Provide a statement that describes the staffing (Section 515.2030(E)(9)(2)).
E) Radiology staff - Describe (Section 515.2030(E)(9)(3)).
F) Intensive Care Medicine Unit - Describe bed availability (who has authority to move patients out to allow for admission of new patients; physician responsible for trauma patients; use of residents and nursing staffing for trauma 515.2030(E)(9)(4)(A) and (B)). Provide a statement regarding the ability to meet the Intensive Care Unit equipment requirements (Section 515.2030(E)(4)(C)).
G) Laboratory - Provide a statement regarding the ability to meet the requirements (Section 515.2030(E)(9)(5)).
H) Other staffing and services - Provide a statement regarding

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

the ability to meet requirements (Section 515.2030(c)(4)(f)(3) and (4) and (5)).

- 5) Equipment - Provide a statement regarding the trauma center's ability to provide and maintain the equipment listed in Section 515.2030(g)(1)-(12)(f)(4).

- 6) Helicopter landing - Provide documentation to substantiate the requirements are being met (Section 515.2030(h)(1)-(4)).

- 7) Medical Audits - Provide the trauma center plan to perform outcome analysis as described in Section 515.2030(i)(1)-(3).

- 8) Written protocols - Provide protocols as follows:

A) Protocols and policies for treating patient (Section 515.2030(j)(1), (2), (4) and (5) (4)(f)(3) and (4)(f)(4))

B) Minimum Trauma Field Triage Criteria (Section 515-Appendix C)

C) In-house Triage policy (Section 515-Appendix F)

D) Transferring patient to more specialized care (Section 515.2030(j)(3)(f)(4), Section 515.1060(e))

- 9) Trauma Flow Sheet - Provide a copy of the facility flow sheet (Section 515.2030(m)(n).

- 10) Resource limitation policy that meets the requirements of Section 515.2030(g)(1) and (2).

- 11) Trauma Center Uniform Reporting Requirements (Section 515.2050(a)-(d)). Provide a statement which includes:

- the equipment available to meet the requirements
- staff committed to support the registry reporting requirement
- process used to identify reportable cases
- commitment to meet reporting deadlines
- software to be used for reporting

c) Level II Designation Criteria

Provide a Trauma Plan which explains how each of the requirements will be met. Options include provision of services in-house, by transfer agreement or by waiver. Requests for waiver must include the requirement or standards with which it considers compliance to be a requirement and demonstrate how there will be no reduction in the standards of medical care. (Section 3.185 of the Act) Each section of the Trauma Plan must reference the applicable portion of this Part by subsection number.

- 1) Table of Organization

Construct a Table of Organization to show the administrative relationships among all departments in the hospital, especially as they relate to the trauma service. In addition, please include a separate table that shows the structure of the trauma service. The table must include but is not limited to:

- A) Board of Directors
- B) Chief Executive Officer
- C) Department of Surgery

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- D) Trauma Service
- E) Department of Medicine
- F) Department of Radiology
- G) Emergency Department

- 2) Trauma Director Requirements
A) Job Description (Section 515.2040(o))

- 3) Curriculum Vitae (Section 515.2040(b))

- 3) Surgical Services
A) Description of the Trauma Service (Section 515.2040(c)(1)-(5)).

- B) Complete Appendix G Attachment--1 to describe the trauma surgeon staffing and availability.

- C) If general surgery residents are used to fulfill the trauma surgeon requirement, provide a statement regarding the level of training; ATLS verification; independent operating room privileges; and supervision and oversight.

- D) Provide a statement regarding the ability to meet the requirements for surgical services in Section 515.2040(d)(1)-(4) and (e)(1)-(6) and (9). Each surgical service must have a separate statement.

- 4) Non-surgical services and professional staff
A) Emergency Physicians - Complete Appendix H Attachment--2 (Section 515.2040(f)(1)(f)(4)).

- B) Emergency Medicine Registered Nurse Staffing--(Section 515.2040(f)(4)(f)(4)) and Trauma Nurse Specialty requirements (Section 515.2040(g)(2)) - Provide a statement that describes the staffing for each.

- C) Anesthesiology services - Provide a statement that describes the staffing (Section 515.2040(f)(2)).

- D) Radiology staff - Describe bed availability (Section 515.2040(f)(4)(f)(4)).

- E) Intensive Care Medicine Unit - Describe bed availability (who has authority to move patients out to allow for admission of new patients; physician responsible for trauma patients; use of residents and nursing staffing (Section 515.2040(f)(3)(f)(4) and (B)). Provide a statement regarding the ability to meet the Intensive Care Unit equipment requirements (Section 515.2040(f)(3)(f)(4)(C)).

- F) Laboratory - Provide a statement regarding the ability to meet the requirements (Section 515.2040(f)(3)(A)-(G)).

- G) Other staffing and services - Provide a statement regarding the ability to meet requirements (Section 515.2040(f)(3), (6), (7), (9), (10), (11)).

- 5) Equipment - Provide a statement regarding the trauma center's ability to provide and maintain the equipment listed in Section 515.2040(h)(1)-(12).

- 6) Helicopter landing - Provide documentation to substantiate the requirements are being met (Section 515.2040(i)(1)-(3)(f)(4)).

- 7) Medical Audits - Provide the trauma center plan to perform

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

outcome analysis as described in Section 515.2040(j)(1)-(3).

- 8) Written protocols - Provide protocols as follows:
 - A) Protocols and Policies for treating patients (Section 515.2040(k)(1) and (3)).
 - B) Minimum Trauma Field Triage Criteria (Section 515.2040(n)).
 - C) In-house Triage policy (Section 515.2040(f)).
 - D) Transferring patients to more specialized care (Section 515.2040(k)(3)(iv), Section 515.2060(e)).
- 9) Trauma Flow Sheet - Provide a copy of the facility flow sheet (Section 515.2040(n)).
- 10) Resource limitation policy that meets the requirements of Section 515.2040(g)(1) and (2).
- 11) Trauma Center Uniform Reporting Requirements (Section 515.2050(a)-(d)) - Provide a statement which includes:
 - the equipment available to meet the requirements
 - staff committed to support the registry reporting requirement
 - process used to identify reportable cases
 - commitment to meet reporting deadlines
 - software to be used for reporting.

(Source: Amended at 24 Ill. Reg. 9006, effective
JUN 15 2006)

DEPARTMENT OF PUBLIC HEALTH

DRAFT NOTICE OF ADOPTED AMENDMENTS

Section 515.2040(k) Minimum Trauma Field Triage Criteria*

• SUSTAINED HYPOTENSION - BP \leq 90 SYSTOLIC (PEDS \leq 80 SYSTOLIC) ON TWO CONSECUTIVE MEASUREMENTS FIVE MINUTES APART

YES → MANDATORY NOTIFICATION OF THE TRAUMA SURGEON FROM THE FIELD

NO →

Category I
Blunt or Penetrating Trauma With Unstable Vital Signs And/OR:

• Hemodynamic Compromise As Evidenced By:

- BP \leq 90 systolic

- (Peds - BP \leq 80 systolic)

• Respiratory Compromise As Evidenced By:

- Respiratory rate < 10 or > 29

- Altered Mental Status As Evidenced By:

- Glasgow Coma Scale ≤ 10

Anatomical Injury

• Penetrating injury of head, neck, torso, groin

• Two or more body regions with potential life or limb threat

• Combination trauma with $\geq 20\%$ TBSA Burn

• Amputation above wrist or ankle

• Limb paralysis and/or sensory deficit above the wrist

and ankle

• Flail chest

• Flail chest

• Flail chest

• Flail chest

• Flail chest

• Flail chest

• Flail chest

• Flail chest

• Flail chest

• Flail chest

• Flail chest

• Flail chest

• Flail chest

• Flail chest

• Flail chest

• Flail chest

• Flail chest

• Flail chest

• Flail chest

• Flail chest

• Flail chest

• Flail chest

• Flail chest

• Flail chest

• Flail chest

• Flail chest

• Flail chest

• Flail chest

• Flail chest

Category II

• Mechanism of Injury

• Ejection from motor vehicle

• Death in prior passenger compartment

• Falls > 20 feet

• Falls > 20 feet

• Falls > 20 feet

• Falls > 20 feet

• Falls > 20 feet

• Falls > 20 feet

• Falls > 20 feet

• Falls > 20 feet

• Falls > 20 feet

• Falls > 20 feet

• Falls > 20 feet

• Falls > 20 feet

• Falls > 20 feet

• Falls > 20 feet

• Falls > 20 feet

• Falls > 20 feet

• Falls > 20 feet

• Falls > 20 feet

• Initiate Field Trauma Treatment Protocols And Transport to Closest Hospital

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

that agency."

12) Have all the changes agreed upon by the agency and JCRR been made as indicated in the agreement letter issued by JCRR? No agreements were issued.

13) Will these amendments replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and purpose of amendment: The proposed amendments incorporate provisions of the amended Sex Offender and Child Murderer Community Notification Law, which expands community notification. Law enforcement agencies have the discretion to provide any additional information contained in the registry, with the exception of information which would help identify the victim, as part of the community notification process. Law enforcement agencies have the discretion to place sex offender information on the Internet. Adjudicated juveniles are required to register. However, community notification is limited to schools, child care facilities, or when the public is at risk.

16) Information and questions regarding this adopted amendment shall be directed to:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
P.O. Box 19461
Springfield, IL 62794-9461
(217) 782-7658

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1282

CHHB SEX OFFENDER AND CHILD MURDERER COMMUNITY NOTIFICATION LAW

SUBPART A: PROMULGATION

Section

1282.10 Purpose

1282.20 Definitions

1282.30 Procedures

SUBPART B: OPERATIONS

AUTHORITY: Implementing the Sex Offender and Child Murderer Community Notification Law [730 ILCS 152] and authorized by Section 55a-3(a)8 of the Civil Administrative Code of Illinois [20 ILCS 2605/55a-3(a)8].

SOURCE: Adopted at 20 Ill. Reg. 8037, effective June 1, 1996; amended at 24 Ill. Reg. 9073, effective JUN 19 2000.

SUBPART A: PROMULGATION

Section 1282.10 Purpose

The purpose of this Part is to provide requirements and procedures for providing the names, addresses and offenses of convicted-child sex offenders to the community.

(Source: Amended at 24 Ill. Reg. 9073, effective JUN 19 2000)

Section 1282.20 Definitions

a) Unless specified otherwise, all terms shall have the meanings set forth in the Child Sex Offender and Child Murderer Community Notification Law.

b) For purposes of these rules, the following definitions apply:

"Child care facilities" has the meaning set forth in Section 2.05 of the Child Care Act of 1969 (225 ILCS 10/2.05), but does not include licensed foster homes. This term includes licensed child care facilities and child care facilities for which applications for license are being processed by the Department of Children and Family Services.

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

"Department" means the Illinois Department of State Police.

"Jurisdiction" means law enforcement jurisdiction as described in the definition of "law enforcement agency having jurisdiction" in Section 105 of the Sex Offender Registration Act law.

"Law" means the Child Sex Offender and Child Murderer Community Notification Law [730 ILCS 152].

"Point of contact" means an individual identified by an agency or other entity as the person responsible for accepting and issuing communications relating to the implementation of this Part.

"Registered-Child-Sex-Offender" means a Child-Sex-Offender as defined in the law, who has properly registered under the Sex-Offender Registration Act (730 ILCS 150):

"Registry" means data maintained by the Department for the purpose of complying with and implementing the Sex Offender Registration Act and the Sex Offender and Child Murderer Community Notification Act. This data includes information forwarded to the Department by jurisdictions and information obtained by the Department itself.

"Scheduled notifications" means the first two weeks of February, May, August and November.

"Schools" means the school boards of public school districts and the principal or other appropriate administrative officer of each non-public school which has registered with the State Board of Education or, in the case of a group of non-public schools registered with the State Board of Education which are organized under a single controlling administrative entity, the controlling administrative entity of that group of non-public schools.

"Sex offender" means the same as the definition found in Section 2(A) of the Sex Offender Registration Act [730 ILCS 150/2(A)].

"Sexual predator" means the same as the definition found in Section 2(E) of the Sex Offender Registration Act [730 ILCS 150/2(E)].

"Victim" means the individual subjected to the particular offense for which the perpetrator acquired the status of a sex offender Child-Sex Offender. This term also includes the individual's parent and legal guardian.

(Source: Amended at 24 Ill. Reg. 9073 effective JUN 19 2000)

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

SUBPART B: OPERATIONS

Section 12B2.30 Procedures

a) State Board of Education

1) The State Board of Education will provide to the Department an accurate listing of addresses and points of contact for all schools.

2) The listing will be provided to the Department at least 30 days prior to the beginning of scheduled notifications.

3) The State Board of Education will appoint a point of contact to coordinate notification activities with the Department.

b) Department of Children and Family Services

1) The Department of Children and Family Services will provide to the Department a listing of addresses and points of contact for all child care facilities.

2) The listing will be provided to the Department at least 30 days prior to the beginning of scheduled notifications.

3) The Department of Children and Family Services will appoint a point of contact to coordinate notification activities with the Department.

c) Victim Notification

1) The victim may request automatic notification of the change of address of the associated sex offender Registered-Child-Sex Offender.

2) In order to obtain automatic notification, the victim must make a request in writing to the Department which must include the full name and date of birth of the sex offender Registered-Child-Sex Offender or the full name, date of conviction and county of conviction of the sex offender Registered-Child-Sex Offender.

d) Law Enforcement Agency Having Jurisdiction

1) Law enforcement agencies having jurisdiction will develop the internal procedures and policies for implementing the provisions of the Law. Procedures will provide for the reasonable access to the information required to be provided under the Law.

2) Agencies shall may-only provide the name, address, date of birth and offense or adjudication of sex offender Registered-Child-Sex Offender required to register to any persons other--than--a--law enforcement--officer--or--other individual as may be authorized by law who requests access to the registry. Agencies have the discretion to provide any additional information contained in the registry, which will help identify the sex offender, to any individual as may be authorized by law. Such disclosure shall not include any information which would help identify the victim.

3) A point of contact will be identified to serve as a liaison with schools and child care facilities. Agencies will provide the name and telephone number of their point of contact to all child care facilities and schools within their jurisdictions prior--to

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

~~June-17-1996.~~ Schools and child care facilities will be provided any changes on a timely basis. Point of contact information will also be provided to the Department.

4) ~~Agencies will establish a control log which records the release of child sex offender information. Requesters will be required to show identification to receive child sex offender information. At a minimum, the name, address, and date of birth of the requester will be recorded on the log.~~

5) Agencies may charge a reasonable fee, not to exceed costs, to provide the information to individuals requesting access to the registry. Provisions for this charge must be included in their written procedures. Fees cannot be charged to schools, child care facilities, other government agencies or for discretionary release of information.

6) Disclosure to the Department of Children and Family Services, schools and child care facilities will be made during each scheduled notification. Additional disclosures may be made at any time.

7) Law enforcement agencies having jurisdiction can establish agreements with other law enforcement agencies having jurisdiction to facilitate the discharge of their responsibilities under the Law and this Part. These agreements may delegate to another agency tasks necessary to accomplish an agency's mandatory duties. The agreements shall be in writing and shall be submitted to the Department prior to implementation. Regardless of any agreement, each agency shall be responsible to ensure its individual compliance with the Law and this Part.

8) Law enforcement agencies having jurisdiction have the discretion to place sex offender information, including photographs, on the Internet or in other media.

e) Illinois State Police

1) The Department will provide a listing of all schools and child care facilities to Illinois Sheriff's Offices and the Chicago Police Department law enforcement agencies for their respective jurisdictions. However, the Department will not list controlling administrative entities of groups of non-public schools. The listing or changes will be provided to agencies at least two weeks prior to the beginning of scheduled notifications.

2) The Department will maintain the registry and conduct audits of criminal justice agencies affected by this Part to ensure the integrity of data. The Department will maintain LEADS as the primary mechanism for registration and communication relating to sex offenders.

3) The Department will confer with the State Board of Education and the Department of Children and Family Services concerning the implementation of this Part. Procedures to evaluate the notification process will be developed jointly. Periodic meetings will be scheduled to address issues and identify

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

f) potential problems.

1) Confidentiality

~~the release of information under the law does not apply to persons whose victims were 18 years of age or older at the time of the offense.~~ Information regarding offenders who are not subject to the law shall not be open to public inspection or to any person other than a law enforcement officer or other individual authorized by law. Information regarding a juvenile sex offender shall not be available to the public except that information may be provided to a person when that person's safety may be compromised for some reason related to the juvenile sex offender if so determined by the Department or any law enforcement agency.

2) Child Sex Offender Information

The only the name, address, date of birth and offense of the sex offender Registered Child Sex Offender will be provided to all persons or entities receiving information from the registry pursuant to this Part. Law enforcement agencies have the discretion to provide any additional information contained in the registry, including photographs, which will help identify the sex offender. Information which would help identify the victim may not be disclosed.

3) Registration and Notification Period

Sex offenders Offenders are required to register for 10 years after conviction or adjudication if not confined to a penal institution, hospital or any other institution or facility. If confined, sex offenders Sex Offenders are required to register for 10 years after final parole, discharge or release from any such facility. Sexual predators, sexually dangerous persons, and sexually violent persons are required to register for the period of their natural lives. Notification requirements with respect to a particular sex offender Child Sex Offender expire when that individual is no longer required to register.

4) Electronic transmission of information and transfer of information described in this Part may be accomplished by electronic means. Publicly accessible communication networks, such as those commonly described as the "Internet", may be used when technically feasible.

g) Public Access

1) Discretionary Access

The Department and any law enforcement agency having jurisdiction may provide any information contained in the registry, including photographs but excluding information which would help identify the victim, the name, address, date of birth and offense or adjudication on any sex offender of any Registered Child Sex Offender to any individual or entity likely to encounter the

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

offender.

- 2) Public inspection Any individual or entity shall, upon request to the local law enforcement agency having jurisdiction, be provided an opportunity by that agency to inspect a listing of all names, addresses, dates of birth and offenses or adjudications of sex offenders Registered-Child-Sex-Offenders required to register or registered with that agency. The agency has the discretion to provide any additional information contained in the registry, including photographs but excluding information which would help identify the victim, for the purposes of public inspection. The agency has the discretion to provide the requester with the list of all sex offenders required to register within the county, or in any other Illinois county. The agency may either allow the requester to inspect the list and take notes, as appropriate, or provide a copy of the list to the requester. Secondary dissemination of sex offender information is not prohibited. Employment information is only available for public inspection when the agency having jurisdiction determines the employment poses a risk to the public.

(Source: Amended at 24 Ill. Reg. 9073, effective 01/19/2000)

ILLINOIS REGISTER

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Sex Offender Registration Act
- 2) Code Citation: 20 Ill. Adm. Code 1280
- 3) Section Numbers: Adopted Action:
1280.20 Amendment
1280.25 New Section
1280.30 Amendment
1280.40 Amendment
- 4) Statutory Authority: Authorized by Section 55a of the Civil Administrative Code of Illinois [20 ILCS 2605/55a].
- 5) Effective Date of Amendments: June 14, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: 24 Ill. Reg. 2636, February 18, 2000
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Editing and formatting changes recommended by JCAR were made.
- In Section 1280.20, a new definition has been added: "Registry" means data maintained by the Department for the purpose of complying with and implementing the Sex Offender Registration Act and the Sex Offender and Child Murderer Community Notification Act. This data includes information forwarded to the Department by jurisdictions and information obtained by the Department itself."
- In Section 1280.20, a new definition has been added: "Sexual predator" means the same as the definition found in Section 2(e) of the Sex Offender Registration Act [730 ILCS 150/2(e)]."
- In Section 1280.30(a)(3), changed "The Illinois Department of Corrections (IDOC) shall" to "The Illinois Department of Corrections (IDOC) will".
- In Section 1280.30(a)(4), changed "the original for their record, and

ILLINOIS REGISTER

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

forward one copy" to "one copy for their record, and forward the original".

In Section 1280.30(b)(1), changed "The court shall ensure a sex offender" to "The court will ensure a sex offender".

In Section 1280.30(b)(2), changed "The court shall ensure one copy" to "The court will ensure one copy".

In Section 1280.30(b)(3), changed "The court shall ensure the record" to "The court will ensure the record".

In Section 1280.30(e), added "annual" after "\$5".

In Section 1280.30(f), changed (f) to read, "Notification of Sex Offenders Moving to Illinois from Other States or Countries; Sex Offenders Who Were Convicted or Adjudicated in Illinois and Were Released from Confinement Prior to January 1, 1996 or Who Were Convicted and Sentenced to Probation Prior to January 1, 1996".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were issued.

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and purpose of amendments: These adopted amendments incorporate provisions of the amended Sex Offender Registration Act, which include the addition of several qualifying offenses. The category of sexual predator is established, which requires sex offenders to register for natural life. Authorizes law enforcement agencies to provide additional information from the registry to help identify the sex offender and authorizes release of sex offender information on the Internet. Revocation of parole or mandatory supervised release is mandated for sex offenders who fail to comply with the Act. The term of registration is administratively extended for 10 years for sex offenders who fail to comply with the Act.

Sex offenders who reside in one state and are employed or attend school in another state are required to register in both states. Non-compliant sex offenders can be prosecuted in any county where they can be located.

16) Information and questions regarding this adopted amendment shall be directed to:

ILLINOIS REGISTER

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
P.O. Box 19461
Springfield, IL 62794-9461
(217)782-7658

The full text of the adopted amendment begins on the next page:

ILLINOIS REGISTER

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER 11: DEPARTMENT OF STATE POLICE

PART 1280

SEX OFFENDER REGISTRATION ACT

SUBPART A: PROMULGATION

Section

1280.10 Purpose

1280.20 Definitions

1280.25 Juvenile Sex Offender

Section

1280.30 Procedures

1280.40 Requirements

AUTHORITY: Implementing and authorized by Section 4 of the Sex Offender Registration Act [730 ILCS 150/4] and authorized by Section 55a of the Civil Administrative Code of Illinois [20 ILCS 2605/55a].

SOURCE: Adopted at 12 Ill. Reg. 8458, effective May 3, 1988; emergency amendments at 20 Ill. Reg. 640, effective January 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8045, effective June 3, 1996; amended at 24 Ill. Reg. 9081, effective JUN 1 2000.

SUBPART A: PROMULGATION

Section 1280.20 Definitions

a) Unless specified otherwise, all terms shall have the meanings set forth in the Sex Offender Registration Act. b) For purposes of this Part ~~these~~ **rules**, the following definitions apply:

"Act"; ~~the~~ means the Sex Offender Registration Act [730 ILCS 150].

"Agency of jurisdiction" means the law enforcement agency having jurisdiction as defined in the Act.

"Conviction"; ~~one~~ means one or more convictions which result from or are connected with the same act, or result from offenses committed at the same time; such convictions shall be counted as one conviction.

"Department"; ~~the~~ means the Illinois Department of State Police and any of its subdivisions.

ILLINOIS REGISTER

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

"Out-of-state employee" means any sex offender or sexual predator who is employed in Illinois, regardless of whether the individual receives payment for services performed, for a period of time exceeding 14 consecutive days or for an aggregate period of time exceeding 30 days during any calendar year. Persons who are employed to operate motor vehicles in or through Illinois or whose employment involves periods of less than a full day in Illinois accrue one day of employment for any portion of a day spent in Illinois.

"Out-of-state student" means any sex offender or sexual predator who is enrolled in Illinois, on a full-time or part-time basis, in any public or private educational institution, including, but not limited to, any secondary school, trade or professional institution, or institution of higher learning.

"Place of confinement"; ~~Any person~~ means any prison, jail, hospital or other institution or facility where a sex offender may be confined due to conviction or a finding other than acquittal for a sex offense; due to a person's status as a sexually violent person under the Sexually Violent Persons Act; or due to a person's status as a sexually dangerous person under the Sexually Dangerous Persons Act.

"Registry" means data maintained by the Department for the purpose of compiling with and implementing the Sex Offender Registration Act and the Sex Offender and Child Murderer Community Notification Act. This data includes information forwarded to the Department by jurisdictions and information obtained by the Department itself.

"Sex Offender Notification Form"; ~~Form~~ means the form designed by the Department to be used to notify the sex offender of the responsibility to register.

"Sex Offender Registration Form"; ~~Form~~ means the form designed by the Department to be used to satisfy the registration requirements of the Act.

"Sexual predator" means the same as the definition found in Section 2(E) of the Sex Offender Registration Act [730 ILCS 150/2(E)].

(Source: Amended at 24 Ill. Reg. 9081, effective JUN 1 2000)

Section 1280.25 Juvenile Sex Offender

Juvenile sex offender as described at Section 2(A-5) of the Act is a sex offender as defined at Section 2(A) of the Act and is required to comply with

ILLINOIS REGISTER

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

all the statutory and administrative obligations of a sex offender. However, to qualify as a juvenile sex offender, the adjudication referenced in Section 2(A-5) must have occurred on or after July 1, 1999 (the effective date of Public Act 91-48).

(Source: Added at 24 Ill. Reg. 9081 -, effective 1/1/99)

SUBPART B: OPERATIONS

Section 1280.30 Procedures

a) Place of Confinement

1) A sex offender, prior to the release from a place of confinement, shall be notified by the place of confinement of the duty to register under the Act. The offender shall also be required to read and sign a completed Sex Offender Notification Form.

2) The place of confinement shall give one copy of the completed Sex Offender Notification Form to the offender, keep the original for their record and send a photograph of the offender to the Department.

3) The Illinois Department of Corrections (IDOC) will share with the Department, within 24 hours, electronic data files, including photographs, containing all sex offenders being released from IDOC facilities.

4) The hospital, other treatment facility, or place of confinement other than IDOC, shall give one copy of the completed Sex Offender Notification Form to the offender, keep one copy for their record, and forward the original to the Department within three days after the sex offender's release.

b) Court

1) The court will ~~shall~~ ensure a sex offender, released on probation or discharged upon payment of a fine as a result of a conviction for a sex offense or an attempted sex offense, shall be informed of the duty to register under the Act. The offender shall also be required to read and sign a completed Sex Offender Notification Form.

2) The court will ~~shall~~ ensure one copy of the completed Sex Offender Notification Form is given to the offender and the original is maintained in the court file.

3) The court will ensure the record of notification is entered into LEADS and a photograph is forwarded to the Illinois State Police within three days after conviction.

c) Agency of Jurisdiction

1) The agency of jurisdiction will complete the Sex Offender Registration Form; ensure the offender reads and signs the form,

ILLINOIS REGISTER

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

provide one copy of the form to the offender, keep the original signed copy until the requirement to register has expired, and, within three days, enter registration information in the Law Enforcement Agencies Data System (LEADS); and forward a copy of the offender's photograph to the Department. Fingerprints will be obtained from the sex offender, using the standard arrest card, and forwarded to the Illinois State Police Bureau of Identification during initial registration. The card shall indicate that the purpose of the fingerprints is for sex offender registration.

2) The agency of jurisdiction shall review the current criminal history record of the offender. The agency shall confirm the offender's duty to register and the offender's registration information and determine if the offender qualifies as a Child Sex Offender as defined by Section 105-of-the-Child-Sex-Offender Community-Notification-law 7730--1168---152/1051. If the disposition is missing or the criminal history is incomplete, the agency shall inform the Illinois State Police. The Bureau of Identification shall provide any information it has that would assist in completing the record.

3) The agency of jurisdiction shall record contacts with convicted sex offenders into LEADS as an add-on record.

4) Agencies of jurisdiction can establish agreements with other agencies of jurisdiction to facilitate the discharge of their responsibilities under the Act and this Part. These agreements may delegate to another agency tasks necessary to accomplish an agency's mandatory duties. The agreements shall be in writing and shall be submitted to the Department prior to implementation. Regardless of any agreement, each agency shall be responsible to ensure its individual compliance with the Act and this Part.

5) Agencies of jurisdiction shall verify the address of sex offenders required to register with their agency at least once a year. A record of the results of this verification shall be documented with a LEADS add-on.

d) Change of Address

A sex offender, who changes residence address, shall within ten days after the change so inform, in writing, the last law enforcement agency with whom registered. Within three days after receiving notification, the law enforcement agency shall enter the notice of address change into LEADS.

e) Registration Fees

The agency of jurisdiction shall collect a \$10 initial registration fee and a \$5 annual renewal fee from sex offenders. The agency can waive the fee if the sex offender is indigent or otherwise unable to pay the registration fee. All registration fees shall be retained by the registering agency and used for official purposes only.

ILLINOIS REGISTER

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

The Sex Offender Registration Form shall contain all the information necessary to comply with the requirements of these rules and shall also provide descriptive information necessary to identify the person registering.

- d) Sex Offender Notification Form
The Sex Offender Notification Form shall be used to notify the offender regarding responsibilities under the Act. The form shall at a minimum include the sex offender's name, date of birth, sex, race, SID (State identification number), county of conviction, date of conviction and intended address. The form must be initialed and signed by the sex offender. The form is not required for sex offenders who were convicted and sentenced to probation or who were released from confinement prior to January 1, 1996.

- e) Out-of-State Student
Out-of-state students must register with the law enforcement agency having jurisdiction where they attend school in Illinois. Out-of-state students are required to register no later than the day on which the instruction begins.

- f) Out-of-State Employee
Out-of-state employees must register with the law enforcement agency having jurisdiction where they are employed in Illinois. Out-of-state employees whose employment involves work in more than one location shall register in the location in which the greatest time of employment is spent. Out-of-state employees are required to register no later than the day on which they qualify as an out-of-state employee as defined in Section 1280.20.

(Source: Amended at 24 Ill. Reg. 9081 effective 1/1/2000)

ILLINOIS REGISTER

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENTS

Appropriate records of receipts and expenditures should be maintained by the registering agency.

- f) Notification of Sex Offenders Moving to Illinois from Other States or Countries; Sex Offenders Who Were Convicted or Adjudicated in Illinois and Were Released from Confinement Prior to January 1, 1996 or Who Were Convicted and Sentenced to Probation Prior to January 1, 1996
Any law enforcement agency can notify a sex offender to register. Documentation of this notification may include, but shall not be limited to, a LEADS add-on, Notification Form, local field or investigation report, etc.

- g) Registration of Juveniles
The parent, legal guardian, probation or parole supervisor, or other court-appointed custodian shall accompany juveniles to the agency having jurisdiction for the purpose of registering as a sex offender.

(Source: Amended at 24 Ill. Reg. 9081, effective 1/1/2000)

Section 1280.40 Requirements

- a) Registration Period
A sex offender Any person required to register under the Act shall be required to register for a period of ten years after the conviction or adjudication if not confined to a penal institution, hospital or any other institution or facility, and if confined, for a period of ten years after parole, discharge or release from any such facility. Liability for registration terminates at the expiration of ten years from the date of conviction or adjudication if not confined to a penal institution, hospital or any other institution or facility, and if confined, at the expiration of ten years from the date of parole, discharge or release from any such facility, providing such person does not, during that period, again become liable to register under the provisions of the Act. Reconfinement (due to violation of parole or other circumstances) which relates to the original conviction or adjudication shall extend the period of registration to ten years after final parole, discharge or release. Failure to comply with any provision of the Act shall extend the period of registration by ten years beyond the period otherwise required. A sexual predator, sexually dangerous person, or sexually violent person shall be required to register for the period of his or her natural life.
- b) Confidentiality
The secondary dissemination of sex offender information is not prohibited. Any information required by the Act shall not be open to public inspection or to any person other than a law enforcement officer or other individual authorized by law.
- c) Sex Offender Registration Form

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) **Heading of the Part:** College Savings Bond Bonus Incentive Grant (BIG) Program
- 2) **Code Citation:** 23 Ill. Adm. Code 2771
- 3) **Section Numbers:** Adopted Action: Amendment 2771.30
- 4) **Statutory Authority:** Implemented and authorized by Section 8 of the Baccalaureate Savings Act [110 ICS 920/8].
- 5) **Effective Date of Amendments:** July 1, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 28, 2000, 24 Ill. Reg. 1451
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposed and final version: The only changes made were technical in nature.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No

15) **Summary and Purpose pending on this Part:** ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC adopted the following substantive amendments:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Section 2771.30(a)(3), under Program Procedures, has been amended to clarify the time period during which a BIG application is to be submitted. Also, Section 2771.30(d) has been modified to clarify the time period during which any BIG assistance must be used.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: tbreyer@isac.org

The full text of the adopted amendments begins on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2771

COLLEGE SAVINGS BOND BONUS INCENTIVE GRANT (BIG) PROGRAM

Section

2771.10 Summary and Purpose

2771.20 Applicant Eligibility

2771.30 Program Procedures

2771.40 Institutional Procedures

APPENDIX A

Table of Grant Amounts

AUTHORITY: Implementing and authorized by Section 8 of the Baccalaureate Savings Act [10 ILCS 920/8].

SOURCE: Emergency rules adopted at 15 Ill. Reg. 15800, effective October 21, 1991, for a maximum of 150 days; emergency expired on March 19, 1992; adopted at 16 Ill. Reg. 6873, effective April 14, 1992; amended at 18 Ill. Reg. 10246, effective July 1, 1994; amended at 19 Ill. Reg. 8312, effective July 1, 1995; amended at 20 Ill. Reg. 9136, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11018, effective July 18, 1997; amended at 22 Ill. Reg. 11035, effective July 1, 1998; amended at 23 Ill. Reg. 7532, effective July 1, 1999; amended at 24 Ill. Reg. 9090 effective 11-1-2000.

Section 2771.30 Program Procedures

a) Application Procedures

- 1) Applications for a BIG shall be available from the Illinois Student Assistance Commission (ISAC) and eligible non-profit institutions of higher learning.
- 2) A complete application for BIG assistance shall include certifications from: the bondholder, the student beneficiary and the Registrar of the institution of higher learning at which the student beneficiary is enrolled.
- 3) A bondholder or a student beneficiary must ~~may~~ submit a BIG application ~~at any time~~ between August 1 and May 30 of the ~~for--a grant--spanning--that--same~~ academic year ~~for which assistance is being requested~~. All grants under this program are subject to sufficient annual appropriations for this program by the General Assembly.
- 4) ISAC may require applicants to provide documentation verifying that the bondholder owned the bonds for the requisite length of time.
- 5) One student beneficiary may be designated for each bond redeemed. In cases where two individuals jointly own a college savings

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

b) Application Certifications

- 1) The bondholder shall certify that:
 - A) the aggregate compound accreted value at maturity of the college savings bond(s) was not more than \$25,000;
 - B) at least 70 percent of the proceeds of the college savings bond(s) have been or will be used for educational expenses incurred by the student beneficiary during an academic year;
 - C) the student named on the application has been designated as the beneficiary of the bond proceeds;
 - D) no other student has been designated as the student beneficiary for the same college savings bond;
 - E) the information provided on the application with regard to the bonds is true and correct, including the date on which the bond(s) were issued, the date on which the bond(s) were acquired and the date on which the bond(s) matured; and
 - F) the preceding certifications are being provided for the academic year in which the application is being submitted.
- 2) The student beneficiary shall certify that:
 - A) his or her address, Social Security Number and other identifying information is accurate;
 - B) at least 70% of the proceeds of the College Savings Bonds will be used for educational expenses;
 - C) s/he is enrolled at an eligible non-profit institution of higher learning;
 - D) s/he will use the BIG proceeds to finance educational expenses which are reasonably incurred during an academic year, including tuition and fees, room and board, books and supplies, child care expenses, laundry, travel and other personal expenses related to attendance at the institution of higher learning; and
 - E) s/he will not use the BIG proceeds to finance costs incurred in an academic program of divinity for any religious denomination or in a course of study to become a minister, priest, rabbi or other professional in the field of religion.
- c) The dollar value of the BIG shall be determined according to the Table of Grant Amounts (see Appendix A of this Part); provided, however, that:
 - 1) the compound accreted value of the bonds shall not exceed \$25,000 in any given academic year;
Example: A BIG could not be claimed for more than 5 bonds of \$5,000 compound accreted value each in any given year. Even if 12 bonds of \$5,000 compound accreted value each, or a \$60,000 total, had been purchased on behalf of a beneficiary, a BIG could be paid only for the first \$25,000. 70 percent of the compound accreted value of the bonds for which a BIG is being claimed in a given academic year does not exceed

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

the beneficiary's cost of attendance at the institution of higher learning for that year.

Example: The beneficiary's cost of attending University A is \$14,000. Since \$14,000 is 70 percent of \$20,000, a BIG could not be claimed for bonds with a compound accreted value in excess of \$20,000. Even if 5 bonds of \$5,000 compound accreted value each, or \$25,000 total, had been purchased on behalf of the beneficiary, in this case a BIG could be paid only on the first \$20,000.

d) Both the proceeds of the bond(s) and the BIG assistance must be used by the student beneficiary in the academic year in which the bond matures ~~was redeemed~~ or in the academic year immediately following maturity ~~redemption~~.

e) Applicants may request that their eligibility for ISAC gift assistance be recalculated to exclude up to \$25,000 in accumulated bonds and interest, pursuant to ISAC Appeal Procedures (see 23 Ill. Adm. Code 2700.70). Recalculations will only be performed for those students who complete the required federal needs analysis process.

(Source: Amended at 24 Ill. Reg. 9090, effective 11/1/2006)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: David A. DeBolt Teacher Shortage Scholarship (DTSS) Program

2) Code Citation: 23 Ill. Adm. Code 2764

3) Section Numbers:
2764.10
2764.30
Adopted Action:
Amendment

4) Statutory Authority: Implementing Section 65.55 of the Higher Education Student Assistance Act [110 ILCS 947(65.55) and authorized by Sections 20(f) and 65.55 of the Higher Education Student Assistance Act [110 ILCS 947(20(f) and 65.55)].

5) Effective Date of Amendments: July 1, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: January 28, 2000, 24 Ill. Reg. 1456

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposed and final version: The only changes made were technical in nature.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No

13) Will these amendments replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

this Part, ISAC adopted the following substantive amendments:

As a result of Public Law 91-670, the teaching requirement under DTSS may now be fulfilled at an Illinois public, private or parochial preschool, elementary or secondary school. Previously, this was limited to Illinois public schools. This change has been reflected in Sections 2764.10(a) and 2764.30(k)(3).

In connection with ISAC's reengineering efforts, changes are being incorporated to reflect both legislative action and operational improvements which have been designed to achieve a greater level of standardization among our programs. In Section 2764.30(b), Program Procedures, the application deadline date has been changed from May 1 to March 1. The processing timetable for each of ISAC's three teacher scholarship programs - Minority Teachers of Illinois (MTI) Scholarship Program, David A. DeBolt Teacher Shortage Scholarship (DTSS) Program, and Illinois Special Education Teacher Tuition Waiver (SETWV) Program - has now been standardized, making for a simpler application process for students and more efficient program administration for ISAC.

Also, the selection criteria set forth in Section 2764.30(c) have been amended to provide for prior year recipients of DTSS assistance to receive first priority consideration for scholarships. Our early experience with DTSS indicates that some recipients fail to receive continuing assistance during the following year, which violates our philosophical commitment to helping students complete their degree programs. In particular, since DTSS scholarships convert to loans if the student fails to complete his or her program of study and fulfill the teaching obligation, it was deemed essential that prior year recipients who continue to meet all eligibility criteria receive priority consideration for continued funding.

16) Information and questions regarding these adopted amendments shall be directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: tbreyer@isac.org

The full text of the adopted amendments begins on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2764

DAVID A. DEBOLT TEACHER SHORTAGE SCHOLARSHIP (DTSS) PROGRAM

Section

2764.10 Summary and Purpose
2764.20 Applicant Eligibility
2764.30 Program Procedures
2764.40 Institutional Procedures

AUTHORITY: Implementing Section 65.55 of the Higher Education Student Assistance Act [110 ILCS 947/65.55] and authorized by Sections 20(f) and 65.55 of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.55].

SOURCE: Emergency rules adopted at 19 Ill. Reg. 976, effective February 1, 1995, for a maximum of 150 days; emergency expired on June 30, 1995; adopted at 19 Ill. Reg. 11367, effective August 1, 1995; amended at 20 Ill. Reg. 9141, effective July 1, 1996; Old Part repeated and New Part adopted at 21 Ill. Reg. 11029, effective July 18, 1997; amended at 22 Ill. Reg. 11043, effective July 1, 1998; amended at 24 Ill. Reg. 9095, effective 1/1/2000.

Section 2764.10 Summary and Purpose

- The David A. DeBolt Teacher Shortage Scholarship (DTSS) encourages academically talented students to pursue careers as public, private or parochial preschool, elementary and secondary school teachers in disciplines that have been designated as teacher shortage disciplines in the State of Illinois with a priority given to minority students.
- This Part establishes the rules which govern the DTSS Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

(Source: Amended at 24 Ill. Reg. 9095, effective 1/1/2000.)

Section 2764.30 Program Procedures

- All applicants must complete and file the form which the U.S. Department of Education (ED) designates as an application for federal student financial aid for the purpose of determining the Expected Family Contribution (EFC) which is used as a selection criteria for this award. (See Section 483 of the Higher Education Act of 1965, as amended (20 USC 6854a-1070a).)
- A completed ISAC application for the David A. DeBolt Teacher Shortage

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Scholarship Program must be postmarked on or before March 1 **received in ISAC's Deerfield office on or before the May 1** immediately preceding the academic year for which the scholarship is being requested, in order to receive priority consideration for an award.

1) ISAC applications are available from qualified institutions of higher learning, State legislative and Congressional offices, and ISAC's Springfield, Deerfield and Chicago offices.

2) ISAC will mail renewal ISAC applications to all qualified students who received DeBolt Teacher Shortage Scholarships during the preceding academic year.

3) If the student section of an ISAC application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will be considered for processing as of the date when the application is complete and received at ISAC's Deerfield office.

c) ISAC shall select the recipients from among qualified applicants who filed timely applications based on a combination of the following criteria:

1) cumulative grade point averages, prioritized from the highest to the lowest. All grade point averages will be converted to a four-point scale;

2) Expected Family Contribution (EFC), from the lowest to the highest;

3) minority students shall receive priority consideration; and

4) recipients of assistance under DTSS during the previous academic year **renewal applicants** shall receive first priority consideration provided the student:

A) continues to maintain a cumulative grade point average of no less than 2.5 on a 4.0 scale;

B) maintains his or her status as a qualified applicant, as outlined in Section 2764.20(a) of this Part, Applicant Eligibility;

C) maintains satisfactory academic progress as determined by the institution; and

D) has submitted an application on a timely basis.

d) If all other criteria are equal, priority consideration will be given to the qualified applicant who submitted his or her completed application to ISAC on the earliest date.

e) A recipient may receive up to 8 semesters/12 quarters of scholarship assistance under this program.

f) Scholarship funds are applicable toward two semesters/three quarters of half-time and full-time study within an academic year.

g) The total number of scholarships awarded in a given fiscal year is contingent upon available funding.

h) To the extent necessary to administer this program within the limits of the State appropriation, the Commission may adjust the priority consideration factors established by this Section.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

i) ISAC shall publish guidelines for the awarding of DeBolt Teacher Shortage Scholarships.

j) Notice of eligibility shall be sent by ISAC to each qualified applicant who is selected to receive a DTSS. A notice will be sent by ISAC to each qualified applicant who is not selected to receive a DTSS.

k) Prior to receiving scholarship assistance for any academic year, the qualified applicant must sign a Teaching Agreement/Promissory Note that is submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following stipulations:

1) the recipient pledges to teach, on a full-time basis, in a teacher shortage discipline for which the recipient applied one year for each year of scholarship aid received or for any portion of a year for which aid was received, under this Part;

2) the teaching requirement will be fulfilled within the five-year period following completion of the postsecondary education degree or certificate program for which the scholarship was awarded;

3) the teaching requirement will be fulfilled at an Illinois public, private or parochial preschool, elementary or secondary school;

4) if the teaching requirement is not fulfilled, the scholarship converts to a loan and the recipient must repay the entire amount of the scholarship(s) prorated according to the fraction of the teaching obligation not completed, plus interest at a rate no greater than the highest rate applicable to new student loans made under FPEIP and, if applicable, reasonable collection fees;

5) the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.); and

6) the recipients promises to use the proceeds of the scholarship for educational expenses.

1) The five-year time period during which the teaching requirement must be fulfilled may be extended if the recipient:

1) serves, for not more than three years, as a member of the United States Armed Forces; or

2) is enrolled full-time in a graduate course of study related to the field of teaching at an institution of higher learning; or

3) is temporarily totally disabled, for not more than three years, as established by the sworn affidavit of a qualified physician; or

4) is actively seeking but unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in Subsection (k)(3) of this Section for one continuous period **an Illinois public preschool, elementary or secondary school for a single period** not to exceed two years, and is able to provide evidence of that fact; or

5) is taking additional courses, on at least a half-time basis, needed to gain ISBE approval to teach in a specialized teacher shortage discipline.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- m) If a recipient is required to repay any portion of the scholarship, the repayment period shall be completed within ten years after the scholarship converts to a loan. This ten-year period may be extended if the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces; or
 - 2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician; or
 - 3) is pursuing a graduate course of study and is enrolled on a full-time basis for one continuous period of time not to exceed three years; or
 - 4) is seeking and unable to find full-time employment for one continuous period not to exceed two years and is able to provide evidence of that fact; or
 - 5) withdraws from a course of study leading to certification/approval in a teacher shortage discipline, but is enrolled at least half-time as an undergraduate for one continuous period of time not to exceed three years.
- n) During the time a recipient qualifies for any of the extensions listed in subsection (m) of this Section, s/he shall not be required to make payments and interest shall not accrue.
- o) A recipient shall enter repayment status on the earliest of the following dates:
- 1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to certification as a teacher in a designated teacher shortage discipline, but not until six months have elapsed after the cessation of at least half-time enrollment in such a course of study;
 - 2) the date the recipient informs ISAC that s/he does not plan to fulfill the teaching obligation; or
 - 3) the latest date upon which the recipient must have begun teaching in order to complete the teaching obligation within five years after completing the postsecondary education for which the scholarship was awarded.
- p) A recipient shall not be required to repay the amount of the scholarship(s) received if s/he becomes permanently totally disabled, as established by the sworn affidavit of a licensed physician (see, e.g., 34 CFR 653.42(k)(1)), or if his or her representative provides ISAC with a death certificate or other evidence that the recipient has died.
- q) Renewal recipients may receive a subsequent award even if their discipline is no longer on the approved list of teacher shortage disciplines.

(Source: Amended at 24 Ill. Reg. 9095 effective 11/1/2000)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Federal Family Education Loan Program (FFELP)
- 2) Code Citation: 23 Ill. Adm. Code 2720
- 3)

Section Numbers:	Adopted Action:
2720.5	Amendment
2720.25	Amendment
2720.35	Amendment
2720.40	Amendment
2720.42	Amendment
2720.50	Amendment
2720.60	Amendment
2720.70	Amendment
2720.80	Amendment
2720.105	Amendment
2720.120	Amendment
2720.130	Amendment
2720.200	Amendment
2720.210	Amendment
2720.220	Amendment
- 4) Statutory Authority: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- 5) Effective Date of Amendments: July 1, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 28, 2000, 24 Ill. Reg.1462
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposed and final version: In addition to a number of technical changes, substantive changes have been made in response to suggestions from JCAR staff. The language in Section 2720.80 (a) and (b) has been modified to clarify the manner in which the Commission adopts the rates it charges in general on student guarantee fees, as well as the manner in which this fee is calculated and assessed to borrowers.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC adopted the following substantive amendments:

A minor change has been made to Section 2720.35(a), under Holder Eligibility, to conform the wording in this Section to that used in Section 2720.20(a)(1), under Lender Eligibility. Several changes have been made to language in Section 2720.40, Procedures for Obtaining a Guaranteed Loan, to make it more flexible as student loan delivery methods evolve utilizing new technology. References now refer to the type of information or document collected, rather than utilizing names of specific forms, which are subject to change. A similar change is made in Section 2720.42, One-Holder Requirement. A federal regulatory cite in Section 2720.50, Procedures for Disbursement and Repayment, has been corrected, and a minor clarification inserted in Section 2720.50(e)(1). In Section 2720.60, Default Aversion Assistance, the specific data elements required to be filed have been deleted, since these are no longer unique to ISAC, but rather are now contained in industry-wide common claim forms.

A clarification has been added to Section 2720.70(c), under Reimbursement Procedures, to deal with a specific type of bankruptcy notice under which a different time frame applies. Section 2720.80, Student Guarantee Fee, has been amended to clarify that guarantors are not required to charge the maximum allowable guarantee fee on loans, and that ISAC may, from time to time, by action of the Commission, benefit borrowers either by charging a lesser rate, or by waiving the fee entirely. ISAC is not currently charging this fee to students. The language in Section 2720.80 (a) and (b) has also been modified to clarify the manner in which the Commission adopts the rates it charges in general on student guarantee fees, as well as the manner in which this fee is calculated and assessed to borrowers. References to the name of the Federal Student Loan Reserve Fund in Section 2720.80(b) and (d) have been updated to reflect the fund's new name and permitted uses.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Subpart B, Illinois Designated Account Purchase Program (IDAPP), has been substantially revised to reflect current practice. In recent years, this program has evolved into a full-service secondary market for educational loans, and Sections 2720.105, 2720.120 and 2720.130 have been updated to more accurately reflect its current product and service offerings.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Beerfield, IL 60015
(847) 948-8500
email: tbreyer@isac.org

The full text of the adopted amendments begins on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2720
FEDERAL FAMILY EDUCATION LOAN PROGRAM
(FFELP)

SUBPART A: FEDERAL LOAN PROGRAMS:
THE FEDERAL STAFFORD LOAN PROGRAM, FEDERAL
PLUS PROGRAM, FEDERAL SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM,
AND FEDERAL CONSOLIDATION LOAN PROGRAM

Section
2720.5 Summary and Purpose
2720.6 Definitions (Repealed)
2720.10 Eligibility for ISAC Loan Guarantees
2720.20 Lender Eligibility
2720.25 Educational Lender Eligibility
2720.30 Institutional Eligibility
2720.35 Holder Eligibility
2720.40 Procedures for Obtaining a Guaranteed Loan
2720.41 One-Lender Requirement
2720.42 One-Holder Requirement
2720.50 Procedures for Disbursement and Repayment
2720.55 Federal Consolidation Loan Program
2720.60 Default Aversion Assistance
2720.70 Reimbursement Procedures
2720.80 Student Guarantee Fee
2720.90 Guarantee Transfers

SUBPART B: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IDAPP)

Section
2720.105 Summary and Purpose
2720.120 IDAPP Eligible Loans
2720.130 IDAPP Eligible Lenders

SUBPART C: ISAC ORIGINATED LOANS

Section
2720.200 ISAC Originated Consolidation Loans
2720.210 Illinois Opportunity Loan Program (IOP)
2720.220 Federal Family Education Loan Program (FFELP) Loans

APPENDIX A Required Activities of Educational Lenders (Repealed)

AUTHORITY: Implementing Sections 80 through 175 of the Higher Education

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 USCA 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 5 Ill. Reg. 8698, effective August 17, 1981; emergency rule and emergency repealer at 6 Ill. Reg. 7558, 7573, effective June 9, 1982, for a maximum of 150 days; new rules adopted at 6 Ill. Reg. 13799, effective October 25, 1982; old rules repealed at 6 Ill. Reg. 15254, effective December 3, 1982; emergency amendment at 7 Ill. Reg. 9942, effective August 8, 1983, for a maximum of 150 days; codified at 7 Ill. Reg. 13309; amended at 8 Ill. Reg. 876, effective January 9, 1984; amended at 8 Ill. Reg. 7286, effective May 18, 1984; amended at 8 Ill. Reg. 17006, effective September 5, 1984; amended at 9 Ill. Reg. 20796, effective January 1, 1986; amended at 11 Ill. Reg. 3181, effective January 29, 1987; emergency amendment at 11 Ill. Reg. 13669, effective August 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14103, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 18370, effective October 23, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20989, effective January 1, 1988; amended at 12 Ill. Reg. 6971, effective April 1, 1988; amended at 12 Ill. Reg. 11520, effective July 1, 1988; emergency amendment at 12 Ill. Reg. 15221, effective September 15, 1988, for a maximum of 150 days; emergency expired February 12, 1989; amended at 13 Ill. Reg. 2872, effective February 16, 1989; amended at 13 Ill. Reg. 8630, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1720 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2720 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17855; emergency amendment at 14 Ill. Reg. 4266, effective March 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10553, effective July 1, 1990; amended at 14 Ill. Reg. 10941, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 18769, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 4060, effective February 28, 1992; amended at 16 Ill. Reg. 11224, effective July 1, 1992; emergency amendment at 17 Ill. Reg. 2055, effective February 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 10506, effective July 1, 1993; amended at 18 Ill. Reg. 10254, effective July 1, 1994; emergency amendment at 18 Ill. Reg. 15636, effective October 15, 1994, for a maximum of 150 days; emergency expired March 13, 1995; amended at 19 Ill. Reg. 6215, effective April 15, 1995; amended at 19 Ill. Reg. 8320, effective July 1, 1995; amended at 20 Ill. Reg. 9147, effective July 1, 1996; amended at 21 Ill. Reg. 11038, effective July 18, 1997; amended at 22 Ill. Reg. 11051, effective July 1, 1998; amended at 23 Ill. Reg. 7537, effective July 1, 1999; amended at 24 Ill. Reg. 9101, effective 11/1/2000.

SUBPART A: FEDERAL LOAN PROGRAMS:
THE FEDERAL STAFFORD LOAN PROGRAM, FEDERAL
PLUS PROGRAM, FEDERAL SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM,
AND FEDERAL CONSOLIDATION LOAN PROGRAM

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Section 2720.5 Summary and Purpose

- a) The Federal Family Education Loan Program (FFELP) is authorized by Title IV, Part B, of the Higher Education Act of 1965, as amended (20 USCA 853e-4; 1071 et seq.), and is administered by the United States Department of Education (ED), guaranty agencies, educational institutions and lenders.
- b) This Part establishes rules which govern ISAC-guaranteed loan programs. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.
- c) Federal regulations govern the responsibilities of the Illinois Student Assistance Commission (ISAC), educational institutions and lenders. This Subpart implements ISAC's discretionary authority as a guaranty agency.

(Source: Amended at 24 Ill. Reg. 9101, effective 1/1/2000.)

Section 2720.25 Educational Lender Eligibility

- a) Educational lenders must meet the eligibility requirements of institutions as outlined in Section 2720.30, Institutional Eligibility, and must meet the eligibility requirements established for lenders as outlined in Section 2720.20, Lender Eligibility. Also, educational lenders must comply with all federal regulations related to the origination, disbursement and servicing of a loan. (See, e.g., 34 CFR 682.601.)
- b) Illinois institutions may be approved as lenders by the Commission if approved by ED and if the following requirements are met.
 - 1) The specific materials to be provided by an institution in seeking approval as an eligible lender are:
 - A) An audited, certified and preferably unqualified annual financial statement prepared by a firm of certified public accountants (CPA). The statement must cover a period of no less than 12 months and be no more than 12 months old at the time of submission. The CPA firm must express an acceptable opinion on the statement, and the statement shall consist of no less than a balance sheet, a statement of profit and loss, and all attendant notes thereto;
 - B) An institutional catalog, and a statement of the institution's educational costs and refund policies;
 - C) A statement of the institution's default/delinquency experience as a lender in the Federal Perkins Loan Program, FFELP, and/or Federal Insured Student Loan (FISL) Program, (20 USCA 853e-4; 1071 et seq.) and a release to permit ISAC to solicit further data from ED or the institution's service agency, if any, with respect to such records;
 - D) A statement which demonstrates the institution's

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- administrative ability to comply with all servicing requirements of the program;
 - E) Bank and other credit references and a release to permit ISAC to inquire of these references;
 - F) A statement explaining the source of the institution's lending capital;
 - G) A statement providing the amount of lending authority sought for the applicable fiscal year and an estimate of the lending volume expected in each of the two succeeding fiscal years; and
 - H) Any other materials which might be requested by ISAC to show the institution's potential qualifications as a lender.
- 2) In addition to the above materials, a school which is organized on a for-profit basis will be requested to submit a:

- A) copy of its student contract;
 - B) description of its admission/sales staff and their functions;
 - C) statement of the institution's drop-out/completion rates;
 - D) sample of the institution's advertising materials; and
 - E) description or copies of student complaints filed with the institution in the last two years. In addition to these materials, ISAC will secure a Dun and Bradstreet Report on the institution, a statement from the Better Business Bureau with regard to any consumer complaints, and a statement from the institution's accrediting association.
- 3) The applications for eligible educational lender status in the programs and the supporting documentation shall be reviewed by ISAC. ISAC staff shall inform the applicant institution of its proposed recommendations to the Commission prior to the meeting at which action on the application will be taken. The applicant institution shall also be informed of the recommendation for its annual lending limit, as well as any additions to the lender agreement which ISAC feels are prudent in individual instances to protect the default record of ISAC. The institution shall also be informed that if it is not in agreement with any ISAC staff recommendations, it is entitled to representation at the Commission meeting and will be allowed to state its objections. If the institution is approved by the Commission as an educational lender, it will execute an Educational Lender Agreement which will include:
- A) the institution's agreement to comply with statutes, federal regulations and State rules;
 - B) a statement of agreement including, or referring to, the list of required activities of educational lenders as outlined in 34 CFR 682.601;
 - C) a statement of agreement including, or referring to, the federal regulations with respect to loan disbursements and refund application;

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- D) a statement of agreement including, or referring to, the federal regulations definition of "due diligence"; and
- E) an expiration date of such lending contract which shall be later than the end of the first full fiscal year following the negotiation of the contract, at which time its renewal shall be considered by ISAC.
- c) A loan guarantee shall be canceled if the educational lender fails to comply with federal regulations, statutes, ISAC rules or procedures, provided such failure impairs ISAC's ability to recover the expense of reimbursing the educational lender for the defaulted loan.
- d) ISAC conducts compliance reviews to determine if approved educational lenders are complying with federal regulations, statutes and rules.
- e) Educational lenders that do not maintain the standards of administrative capability or financial responsibility demonstrated in their original applications for participation, or required by federal regulations, may be subject to administrative limitation, suspension or termination proceedings. (See 23 Ill. Adm. Code 2790.)

(Source: Amended at 24 Ill. Reg. 9101 - 1, effective 10/1/2000)

Section 2720.35 Holder Eligibility

- a) All approved holders must execute an ISAC Holder Agreement prior to participating in the Federal Family Education Loan Program through ISAC ~~subsidized--and--unsubsidized--Federal--Stafford--Federal--PHS~~
~~Federal--PHS--or--Federal--Consolidation--Loan--Programs.~~
- b) Holders must have received ED approval prior to executing a Holder Agreement.
- c) The Holder Agreement shall include provisions requiring holders to:
- 1) comply with statutes, federal regulations and State rules; and
 - 2) provide such information as ISAC may request relating to borrower demographics, collection records and other documents ISAC may need to comply with federal regulations. (See Sections 2720.60(a) and 2720.70(c).)
- d) Holders and ISAC shall electronically transmit and receive loan guarantee data. ISAC shall provide the holder with program documentation and reasonable technical assistance related to electronic data exchanges. ISAC and the holder shall agree that the information and data shall be confidential and shall not be used, disclosed, sold or shared for any purpose other than that which is directly related to the administration of ISAC's guaranteed loan programs.
- e) Termination of the Holder Agreement may be made by either the holder or ISAC with 30 days' advance written notice. Termination shall not affect any obligations incurred prior to the time such termination becomes effective.
- f) Eligible holders shall employ an adequate number of qualified persons

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

to administer the holders' responsibilities under ISAC's rules and federal regulations. In determining whether a holder employs an adequate number of qualified persons, ISAC considers the number of students aided, the number of applications evaluated and the amount of funds administered.

- g) In addition to the provisions of subsection (c), the Holder Agreement for insurance companies approved as holders shall require:

- 1) advertising and promotional materials consistent with Section 149 of the Illinois Insurance Code [215 ILCS 5/149] and 50 Ill. Adm. Code 909; and
 - 2) compliance with Article XXVI of the Illinois Insurance Code [215 ILCS 5/Art. XXVI].
- h) A loan guarantee shall be canceled if the holder fails to comply with statutes, federal regulations and State rules, provided such failure impairs ISAC's ability to recover the expense of reimbursing the holder for the defaulted loan.

- i) ISAC conducts compliance reviews to determine if approved holders are complying with federal regulations, statutes and rules.
- j) Holders wishing to participate in ISAC-guaranteed loan programs shall submit an application which shall include, but not be limited to: servicing/secondary market agreements; previous compliance and audit reviews conducted by other guarantors and ED; documentation relating to the percentage of student loans as compared to other installment loan portfolios; default rates; policy and procedures manuals; promotional materials; a statement relating to previous and anticipated loan volume; and other similar information relating to student loans requested by ISAC to show the holders' qualifications for participation. Program participation will be determined by an examination of those materials and compliance with federal laws and regulations and State rules and statutes.

(Source: Amended at 24 Ill. Reg. 9101 - 1, effective 10/1/2000)

Section 2720.40 Procedures for Obtaining a Guaranteed Loan

- a) Borrowers who are eligible for a loan guarantee in accordance with Section 2720.10 are issued a notice of guarantee/disclosure statement. All promissory notes must be in a form approved by ED. No alteration or substitution may be used.
- b) All loans are made at the lender's discretion. When a lender rejects a borrower's request for a FFELP loan ~~application/promissory note~~, the lender shall issue a notice of non-acceptance to the borrower.
- c) Lender-of-last-resort requirements:
- 1) An applicant who is eligible for a Federal subsidized or unsubsidized Stafford loan guarantee pursuant to Section 2720.10 of this Part and who has received two denials from can request that ISAC make a referral to a lender-of-last-resort provided

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

the applicant:

- a) submits a written request for a lender-of-last-resort loan referral to ISAC, which is accompanied by two denials from ISAC-approved lenders;
- B) receives loan counseling information specifically designed to benefit an applicant seeking a lender-of-last-resort loan; and
- C) attends an ISAC-approved institution.
- 2) ISAC, within 60 days, will refer applicants to lenders-of-last-resort or will advise them that they do not meet the eligibility requirements of Section 2720.10 of this Part.
- 3) ISAC will act as a lender-of-last-resort or will refer the applicant to the Student Loan Marketing Association if it cannot refer the applicant to a lender-of-last-resort willing to make a subsidized or unsubsidized Stafford Loan within 60 days.
- d) The availability of an ISAC-guaranteed loan shall not be conditioned upon the purchase of credit life, life, accident, health or other forms of insurance.
- e) The ~~applicant's~~ promissory note must be signed in ink. Signature stamps shall not be used by the borrower.
- f) At the lender's discretion and in accordance with federal regulations, endorser's may be used for Federal PLUS Loans.
- g) Lenders shall obtain the names and addresses of at least two references from each loan applicant. Lenders shall submit the reference data to ISAC when requesting ISAC reimbursement pursuant to Section 2720.70.
- h) When certifying a borrower eligible for a loan guarantee, the institution shall provide ISAC a loan disbursement schedule consistent with Section 4286 of the Higher Education Act of 1965, as amended (20 USC 855e-4; 1078-7). Should the institution fail to provide ISAC a disbursement schedule that is consistent with federal law, ISAC shall assign the loan a disbursement schedule that is consistent with Section 4286 of the Higher Education Act of 1965, as amended.

(Source: Amended at 24 Ill. Reg. 91 01, effective 11/1/2000)

Section 2720.42 One-Holder Requirement

- a) All of a borrower's outstanding ISAC-guaranteed loans must be sold by a lender to the same holder.
 - 1) If the lender has sold any of a borrower's previous ISAC-guaranteed subsidized or unsubsidized Federal Stafford Loan(s) or Federal SIS loan(s) to an approved holder, the lender shall sell all subsequent loans to the same holder by no later than 90 days from the borrower's last date of attendance or 180 days following the last disbursement, whichever occurs later; or in the event of untimely notification to the lender of a

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- student's change in enrollment status, no later than 45 days after the lender became aware that the student ceased to be enrolled on at least a half-time basis. (See Section 2720.130(d).)
- 2) Subsidized Federal Stafford Loans, unsubsidized Federal Stafford Loans and Federal SIS Loans which were made under the same promissory note ~~common--Application/Premissory--Note~~ for loan periods within the same academic year must be sold simultaneously.
- 3) If the lender has sold the applicant's previous ISAC-guaranteed Federal PLUS Loans to an approved holder, the lender shall sell each subsequent Federal PLUS Loan for that borrower to the same holder by no later than 90 days from the last date of attendance or 180 days following the last disbursement, whichever occurs later; or in the case of a late disbursement, the subsequent loan must be sold within 45 days following disbursement.
- 4) Upon notification by the holder of the oldest previous loan, the holder of any subsequent loan must sell that loan to the previous holder, unless the borrower requests in writing that the previous holder sell to the subsequent holder.
- b) Failure to sell the subsequent loan by the deadline shall result in the loss of guarantee.
 - 1) A guarantee may be reinstated if, within 90 days after identifying a loan in violation of subsection (a)(1), (a)(2), (a)(3) or (a)(4) above, the holder or lender initiates the sale of the loan to the eligible holder who purchased the applicant's previous loan(s).
 - 2) Initiation of the sale procedure within 90 days, and conclusion of the sale before the day the loan enters default status, will retroactively reinstate the guarantee to the day the guarantee was lost due to a violation of subsection (a)(1), (a)(2), (a)(3) or (a)(4) above, provided no other violation of federal regulation or State rule exists.
 - 3) Failure to initiate the sale of the loan within 90 days after identifying the violation will result in a permanent loss of guarantee for that loan. Failure to ultimately sell the loan to the holder will also result in a permanent loss of guarantee for that loan.
- c) The requirements of this Section shall not apply if:
 - 1) the outstanding loans are held by a holder which has been either declared insolvent by a regulatory agency, has terminated its agreement with ISAC or has withdrawn from participation in FRMP,
 - 2) ISAC is informed that the borrower has provided authorization to have subsequent loans held by a different holder.

(Source: ~~Amended~~ at 24 Ill. Reg. 91 01, effective 11/1/2000)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Section 2720.50 Procedures for Disbursement and Repayment

- a) Disbursement and repayment procedures are specified in federal regulations.
- b) Prior to disbursement, the borrower shall execute a common ED-approved promissory note for the principal and interest on the loan. The lender shall retain the original copy of the promissory note.
- c) The lender shall transmit to ED any and all statements and reports necessary to obtain federal interest payments on the borrower's behalf. The lender shall not collect or attempt to collect from the borrower or ISAC any portion of the interest on the loan which is payable by ED.
- d) Except for loans pursuant to Section 2720.55, the lender shall not disburse the proceeds of any loan on the borrower's behalf unless and until the lender shall have received from ISAC evidence of a guarantee. The lender shall inform ISAC of all disbursement dates.
- e) Federal Stafford and Federal PLUS Loan proceeds shall be transmitted directly to the institution.
 - 1) Federal Stafford loan checks shall be payable to the student borrower unless the institution requires all Stafford loan checks to be co-payable to the borrower and the institution. Federal PLUS Loan checks shall be co-payable or sent via EFT to the institution and the parent borrower. Federal Stafford or Federal PLUS Loan funds disbursed either via EFT or by Master Check to the institution shall include information identifying the names, Social Security Numbers and the loan amounts of the borrowers who are receiving a portion of the disbursement, and the names and Social Security Numbers of the students on whose behalf the parents are borrowing.
 - 2) Loan proceeds must be disbursed to the institution and delivered to the borrower no later than 90 days after the end of the loan period or 90 days after the date on which the student ceased to be enrolled at least half-time, whichever is earlier. If the loan proceeds are not delivered pursuant to this subsection, the school must request that the loan be canceled and must return any loan proceeds.
 - 3) If the student has withdrawn from enrollment and federal regulations require the institution to submit a refund to the lender, either electronically or in the form of a check payable to the lender on behalf of the borrower, the institution shall provide simultaneous written notice to the borrower of the refund.
 - A) If the institution fails to issue a timely refund, as defined by federal regulations (see 34 CFR §62.607(C) 692r69), the institution shall pay penalty interest.
 - B) The penalty interest shall equal the total amount of interest and special allowance generated by the principal value of the refund amount. The penalty interest shall be

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

computed from the date the refund was due until the date the refund was issued.

- c) The penalty interest shall be paid to the lender or subsequent holder.
- f) The borrower(s) shall have the right to prepay without penalty the whole or any part of a loan guaranteed hereunder.
- g) The lender or holder shall notify the borrower of the repayment options available, as specified in 34 CFR 682.209. The lender or holder shall send a repayment schedule to a FFELP borrower no less than 30 days nor more than 240 days before the first payment on the loan is due from the borrower.
- h) The lender or holder shall notify ISAC of payment in full or prepayment in full by the borrower.
- i) In accordance with federal regulations, the lender or holder may extend the maturity date of any note.
- j) Lenders or holders may exercise administrative forbearances, which do not require the agreement of the borrower, as authorized by Section 428(c)(3)(C) of the Higher Education Act of 1965, as amended, and by federal regulations.
- k) Borrowers are entitled to deferments, which extend the maturity date of any note(s), under conditions established by federal regulations.
- l) ISAC provides lenders or holders with the forms necessary for servicing their guaranteed loan portfolio (e.g., deferment forms, forbearance forms). Lenders and holders may use non-ISAC forms provided the alternative form meets the requirements of federal regulations and is compatible with ISAC's data processing requirements.
- m) No note shall be sold or transferred by the lender except to an ISAC-approved lender, an ISAC-approved holder, or ISAC.

(Source: Amended at 24 Ill. Reg. 9101, effective 10/1/2000)

Section 2720.60 Default Aversion Assistance

- a) ISAC functions in a supplementary role to assist the lender or holder in its collection of a loan that is at least 60 days delinquent. After requesting default aversion assistance, the lender or holder shall continue with normal collection activity. ~~the following information--is--requested--with--the--request--for--assistance--if available?~~
 - 3) name--and--Social-Security-Number--(SSN)?
 - 3) employee's name and telephone number
 - 3) home address and telephone number
 - 4) identification of the problem
 - 5) date and amount of each payment
 - 6) loan amounts and
 - 7) number of days delinquent

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- b) The request for default aversion assistance must be sent to ISAC in accordance with the time frames specified in federal regulations and the Higher Education Act of 1965, as amended.
- c) For 10 or more accounts submitted in one month, the default aversion assistance request and subsequent default aversion transactions must be submitted electronically, in a format approved by ISAC, from which collection action can begin or cease immediately.
- d) If a borrower's address is unknown, the lender shall attempt to locate the borrower pursuant to federal regulations. (See CFR 682.411.) The lender may file for default aversion or skip-tracing assistance when it has completed its skip-tracing efforts. If it has not already done so, the lender shall file for assistance in accordance with the time frames specified in federal regulations and the Higher Education Act of 1965, as amended.

(Source: Amended at 24 Ill. Reg. 9101—, effective 11/1/2001)

Section 2720.70 Reimbursement Procedures

- a) The lender or holder shall request reimbursement from ISAC within 60 days from the date the lender or holder receives a completed request for loan cancellation or forgiveness due to death, total and permanent disability, attendance at a school that closes, or false certification by a school of a borrower's eligibility for a loan, in accordance with federal regulations and the Higher Education Act of 1965, as amended. (See, e.g., 34 CFR 682.502.)
- b) Requests for default reimbursement must be submitted to ISAC within the time frames specified in, and the lender or holder shall be reimbursed in accordance with, federal regulations and the Higher Education Act of 1965, as amended. In the case of a default on a Federal PLUS Loan, the borrower, co-maker and endorser must meet the default criteria contained in federal regulations.
- c) The lender or holder must request ISAC reimbursement for a bankruptcy claim in accordance with federal regulations and the Higher Education Act of 1965, as amended. (See, e.g., 34 CFR 682.402.) The request for reimbursement must be submitted within 30 days after the lender's or holder's receipt of notice that collection on the debt is stayed, or 15 days upon notice of an adversary proceeding for undue hardship. A copy of the restraining order and the appropriate papers must be included. In the case of a bankruptcy involving a Federal PLUS Loan, the borrower, co-maker and endorser must meet the bankruptcy criteria contained in federal regulations.
- d) Prior to reimbursement, the lender or holder must certify compliance with federal due diligence requirements and subsection (h) of this Section.
- e) Prior to reimbursement, the lender or holder must have remitted the guarantee fee established by Section 2720.80.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- f) The lender or holder shall forward to ISAC any payments made by or on behalf of the borrower after default reimbursement and shall advise ISAC of any subsequent information received concerning the borrower. Prior to reimbursement, all original notes or certified, true and exact copies of original notes must be properly endorsed and submitted to ISAC. If the notes have been lost or erroneously stamped "Paid in Full," the lender or holder shall execute a Hold Harmless Agreement with ISAC.
- g) No fee or charge to the borrower, other than the maximum interest rate prescribed by 8D and the collection charges outlined in federal regulations (see 34 CFR 682.202(f) and (g)), including the student guarantee fee, and the federal loan origination fee, shall be contracted for or received by the lender.
- h) The lender or holder shall make a proper collection effort in accordance with acceptable practices of prudent lending institutions including, but not limited to, the collection activities required by federal regulations. (See, e.g., 34 CFR 682.402, 682.411 and 682.412.)
- i) ISAC shall collect the outstanding amount on the reimbursed guaranteed loan. If the borrower refuses to retire the debt, ISAC shall follow the requirements of federal regulations. (See 34 CFR 682.410.)
- j) Should a borrower refuse to retire the debt, ISAC shall direct the State Comptroller to offset any payment from the State Treasurer to the borrower. The funds offset shall be remitted to ISAC and credited against the debt.
- 1) All offsets shall be processed in accordance with 74 Ill. Adm. Code 285.
- 2) ISAC shall not direct an offset if the borrower has maintained a satisfactory repayment record. (See 23 Ill. Adm. Code 2700.40(a)(1).)
- 3) ISAC shall notify a borrower of the possibility of an offset no less than 15 days prior to the first offset. ISAC may provide additional notice of subsequent offsets for the same debt. Should the borrower dispute the debt, an appeal must be filed within 15 days after and including the date of the notice. Appeals will be processed in accordance with 23 Ill. Adm. Code 2700.70. If the requested relief is granted, the funds offset shall be returned to the borrower.
- 4) Funds eligible to be offset include, but are not limited to, State income tax refunds and the wages of State employees.
- k) ISAC shall provide a borrower with an opportunity for an administrative review of the legal enforceability or past-due status of the loan obligation after it pays a default claim but before it reports the default to a credit bureau or assesses collection costs against the borrower, in accordance with federal regulations (34 CFR 682.410(b)(5)(ii)(c)).
- l) ISAC may garnish the disposable pay of a borrower if the individual is not currently making required payments, in accordance with Section

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

488A of the Higher Education Act, as amended.

- m) ISAC requires the lender or holder to submit a request for an increase in claim payment within 90 days after receiving the claim payment. ISAC will provide the lender or holder with a determination on the increase in claim payment within 90 days after receiving the request and supporting documentation.

(Source: Amended at 24 Ill. Reg. 91.01, effective 1/1/2000)

Section 2770.80 Student Guarantee Fee

- a) ISAC may charge charges borrowers each borrower a guarantee fee on each guaranteed loan. The fee(s) collected by the lender must be remitted to ISAC no less frequently than monthly.
- b) The amount of the guarantee fee collected on each loan shall be no greater than the maximum fee collected by the Higher Education Act, as amended. The exact amount of the fee shall be computed by ISAC and disclosed to the borrower on the notice of guarantee/disclosure statement. The rate of the fee to be charged a category of borrowers shall be determined by resolution of the Commission. When establishing the rate of the fee, the factors to be considered by the Commission include: the solvency of the Federal Student Loan Reserve Revolving Fund, projected application volume and the timeliness of payments from ED pursuant to the Higher Education Act of 1965, as amended (20 USCA 1071 et seq.).
- c) Refunds of guarantee fees shall be made to the borrower in accordance with federal regulations. (See 34 CFR 682.401(b)(10)(vi).)
- d) The guarantee fees shall be deposited in the Federal Student Loan Reserve Fund. In accordance with federal regulations, such proceeds may only be used to reimburse lenders for defaulted guaranteed loans to pay the administrative expenses of ISAC or to pay the reinsurance fee assessed by ED.

(Source: Amended at 24 Ill. Reg. 91.01, effective 1/1/2000)

SUBPART B: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IDAPP)

Section 2770.105 Summary and Purpose

- a) The Commission provides a secondary market for ISAC Guaranteed Loans through the Illinois Designated Account Purchase Program (IDAPP). ISAC's secondary market reduces the administrative expenses of lenders and increases the availability of education guaranteed loans.
- b) Through IDAPP, ISAC purchases and/or services eligible loans from IDAPP-eligible lenders. Sales to ISAC are conditional upon the execution of a contract between the eligible lender and ISAC, and the

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- c) Also through IDAPP, ISAC services eligible loans from IDAPP-eligible lenders. Services provided pursuant to this Subpart are conditional upon the execution of a contract between the eligible lender and ISAC, and the eligible lender's good faith compliance with the contract.

(Source: Amended at 24 Ill. Reg. 91.01, effective 1/1/2000)

Section 2770.120 IDAPP Eligible Loans

- a) Loans that are eligible for purchase and/or servicing by IDAPP: Original Contract Program
- 1) are not in default. Loans that are in default should be submitted for reimbursement in accordance with Section 2770.170.
 - ISAC will purchase guaranteed loans which are no more than 90 days delinquent on installments or principal or interest and guaranteed loans for which the borrower has failed to meet other contractual obligations. Loans in default are not eligible for purchase and should be submitted for reimbursement in accordance with Section 2770.170.
 - 2) are in compliance with federal regulations and ISAC rules up to the date of the sale. ISAC will decline to purchase any account if the lender cannot demonstrate the loan was originated and serviced in accordance with all program requirements. Under this program ISAC will also purchase guaranteed loans in deferred status because of the borrower's unemployment or which have been granted a forbearance by the lender.
 - 3) have not been rejected for purchase by a different secondary market unless the account is current (not in delinquency status) and has an outstanding balance of at least \$3,500. All accounts submitted for purchase must have an annual cumulative average loan size of at least \$2,000.
- b) The loan must be in compliance with federal regulations and ISAC's rules up to the date of the sale. ISAC will decline to purchase any account if the lender cannot demonstrate the loan was originated and serviced in accordance with all program requirements.
- c) If a lender requests ISAC to purchase an account that was previously rejected for purchase by a different secondary market, ISAC will purchase the account only if the loan is current (not in delinquency status) and has an outstanding balance of at least \$3,500.
- d) In cases where a borrower's loan is held by ISAC and the borrower requests a renewal loan and where such borrower has established a satisfactory relationship with ISAC, the original lender must agree to make the renewal loan to the borrower with the understanding that such loan will be purchased by ISAC to consolidate the student's indebtedness. (See Section 2770.42.)
- e) Default Prevention Program

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

1) In cases where a lender executes a contract authorizing participation in the Default Prevention Program, ISAC will purchase the additional types of guaranteed loans specified in subsection (e)(2) of this Section. All accounts submitted for purchase must have an annual cumulative average loan size of at least \$3,500.

2) ISAC will purchase the following additional types of guaranteed loans:

- A) all deferred loans;
- B) loans from borrowers who have moved;
- C) loans from borrowers who have failed to respond to the lender's written inquiry;
- B) loans from graduate student borrowers; and
- B) loans that do not fall under any preceding criteria classification.

b) Upon the sale or transfer of an account to ISAC, the lender shall report the transfer of ownership or servicing responsibility to the credit reporting agency utilized by the lender. The lender shall not put an adverse report on the borrower's credit rating.

c) ISAC may also purchase eligible loans as defined in Section 135 of the Higher Education Student Assistance Act [110 ILCS 947/135].

(Source: Amended at 24 Ill. Reg. 9101 effective July 1, 2000)

Section 2720.130 IDAPP Eligible Lenders

a) Prior to submitting accounts for purchase, the lender and ISAC must execute an IDAPP contract. The contract requires lenders to comply with statutes, federal regulations and State rules.

b) ISAC will purchase loans only from those lenders that have no inappropriate relationships with the institutions certifying the loans. An inappropriate relationship includes, but is not limited to, fiscal or loan service arrangements between commercial lenders and institutions which are not permitted by law or federal regulation (34 CFR 682.205) and/or is of such a special nature that all institutions or all lenders under similar circumstances do not receive similar terms, conditions or services from the lender.

c) If it appears that the lender has violated one or more of ISAC's rules in the handling of any account, and if such violation contributed to the delinquent status of the account, ISAC will decline to purchase the account.

d) The lender aware date of delinquency will be:

- 1) date lender received notice from the school; borrower or ISAC
- 2) date the borrower has a revised last date of attendance;
- 3) date information is received from the borrower's address; or parent that repayment will not be forthcoming; or

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

4) maturity date of the note, the date of the deferment or the date the payment was due but was not made:

(Source: Amended at 24 Ill. Reg. 9101 effective July 1, 2000)

SUBPART C: ISAC ORIGINATED LOANS

Section 2720.200 ISAC Originated Consolidation Loans

a) ISAC shall serve as a direct lender of Federal Consolidation Loans in accordance with Section 2720.55, Federal Consolidation Loan Program.

b) A recipient of an ISAC-originated Federal Consolidation Loan must be an eligible borrower as established by Section 428C of the Higher Education Act of 1965, as amended. (See 20 USC 486-6-A 1078-3.) Subject to the availability of funds, no eligible borrower shall be denied a Federal Consolidation Loan by ISAC.

(Source: Amended at 24 Ill. Reg. 9101 effective July 1, 2000)

Section 2720.210 Illinois Opportunity Loan Program

a) ISAC may serve as a direct lender of non-subsidized Federal Stafford Loans through the Illinois Opportunity Loan Program.

b) Each recipient of an Illinois Opportunity Loan must be an eligible borrower as established by Section 428 et seq. of the Higher Education Act of 1965, as amended. (See 20 USC 486-6-A 1078 et seq.)

c) In addition to the eligibility criteria established by federal law for all Federal Stafford Loan borrowers, each recipient must satisfy the following requirements to receive an Illinois Opportunity Loan.

1) Each borrower must be a full-time student who is enrolled in a degree program. The borrower must be classified at an academic level of sophomore or above in the degree program. The institution shall verify the borrower's enrollment status prior to disbursement.

2) Each borrower must be a resident of Illinois. For purposes of this Part, an applicant for an Illinois Opportunity Loan is a resident of Illinois notwithstanding the applicant's temporary absence from the State in order to enroll at an out-of-state institution.

3) The Illinois Opportunity Loan Program shall have a minimum loan size of \$1000 per academic year.

4) No applicant may receive an Illinois Opportunity Loan if the total student assistance available to the borrower would exceed the borrower's cost of attendance. No applicant may receive an Illinois Opportunity Loan unless the institution's financial aid administrator determines the borrower needs an Illinois

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Opportunity Loan to finance his/her education. (See, e.g., Title IV, Part F of the Higher Education Act of 1965, as amended (20 USC 8556-67-1087 k et seq.))

- d) The receipt of an Illinois Opportunity Loan by an eligible borrower is subject to the availability of lending capital. To the extent necessary to avoid an overcommitment of funds, ISAC may determine applicant eligibility on the basis of an application receipt date, the term of study for which the loan is being requested, or both.

(Source: Amended at 24 Ill. Reg. 91 01 effective July 1, 2000)

Section 2720.220 Federal Family Education Loan Program (FFELP) Loans

- a) ISAC may serve as a direct lender of educational loans under FFELP.
 b) Each borrower must be an eligible borrower as established by the Higher Education Act of 1965, as amended (see 20 USC 8556-67-1078 et seq.), and must meet the eligibility requirements set forth in Section 2720.10 of this Part, Eligibility for ISAC Loan Guarantees.
 c) The amounts, terms and conditions of loans made under this Section shall be in accordance with the provisions of the Higher Education Act of 1965, as amended (see 20 USC 8556-67-1078 et seq.).
 d) Educational loans may be made to borrowers referred by lenders which have executed a Community Educational Loan Partnership agreement with ISAC.

(Source: Amended at 24 Ill. Reg. 91 01 effective July 1, 2000)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: General Provisions

2) Code Citation: 23 Ill. Adm. Code 2700

3) Section Numbers: Adopted Action:

2700.20 Amendment

2700.30 Amendment

2700.40 Amendment

2700.50 Amendment

2700.55 Amendment

2700.60 Amendment

- 4) Statutory Authority: Implementing Sections 1 through 175 of the Higher Education Student Assistance Act (110 ILCS 947/1 through 175); Title IV of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act (110 ILCS 947/20(f)).

5) Effective Date of Amendments: July 1, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: January 28, 2000, 24 Ill. Reg.1482

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposed and final version: In addition to a number of technical changes, two substantive changes were made in response to public comment. In Section 2700.30(d), the elimination of the requirement for institutions to annually file their Satisfactory Academic Progress policy was expanded to also eliminate the annual filing of the policy governing minimum grade point average for recipients of benefits under the Illinois Veteran Grant and Illinois National Guard Grant Programs. Also, a proposed new subsection 2700.50(k), governing how enrollment status would be measured for programs in which students take courses sequentially rather than concurrently, was withdrawn for further study.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter? Yes

13) Will these amendments replace an emergency amendment currently in effect?

ILLINOIS STUDENT ASSISTANCE COMMISSION
NOTICE OF ADOPTED AMENDMENTS

No

14) Are there any amendments pending on this Part? No

15) **Summary and Purpose of Rulemaking:** ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and Federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC adopted the following substantive amendments:

A number of changes are being adopted this year to reflect the increasing utilization of distance education. In Section 2700.20, Definitions, three new related definitions have been added: correspondence course, distance education, and telecommunications course. Minor changes have also been adopted to clarify existing definitions of consolidation and default status.

In Section 2700.30, General Institutional Eligibility Requirements, three changes have been made in an effort to reduce administrative burden for our school clients. In Section 2700.30(d), the requirement for schools to annually submit a copy of their satisfactory academic progress policy and policy governing minimum grade point average for participants in the Illinois Veteran Grant and Illinois National Guard Programs has been deleted, since that information is already routinely collected and reviewed in connection with ISAC's audit of each institution. In Section 2700.30(i)(6)(A), the requirement for the annual submission of three letters of transferability of credit by schools with provisional eligibility has been removed. These letters are still required as a condition of initial eligibility, but the incremental benefit to annual submission and review was not deemed as worth the effort involved.

Section 2700.40(g) has been modified to reflect statutory changes contained in Public Act 91-250, which permit ISAC to make gift assistance awards to students enrolled during summer terms or those enrolled on a less-than-half time basis. In Section 2700.40(k), a new subsection has been added to reference more specifically the conditions under which students enrolled in distance education classes may be eligible for ISAC gift assistance benefits. These conditions mirror those established for federal Title IV student assistance programs. Subsection 2700.40(l) has merely been reworded to utilize language more similar to the preceding subsections.

Section 2700.50(g)(3) has been clarified to reflect the intent of ISAC that schools verify the Illinois residency of any student for whom they

ILLINOIS STUDENT ASSISTANCE COMMISSION
NOTICE OF ADOPTED AMENDMENTS

have conflicting information, not just those students who have been selected for verification.

Section 2700.55, Electronic Data Exchanges, has been renamed Use, Security and Confidentiality of Data, and has been substantially rewritten. A number of changes were required due to the significant number of technological changes which have occurred since this Section was first written, as tape exchanges and teletransmission of data have largely given way to increasing use of the Internet. The previous language had become obsolete and was no longer an accurate representation of the ways in which we do business. Furthermore, ISAC wanted to clarify and stress that all data shared with clients is subject to strict privacy and security requirements, regardless of the physical manner in which it is obtained.

Section 2700.60(a) has been modified to clarify that the customary three year audit cycle (schedule permitting) applies to institutions participating in ISAC gift assistance programs. In addition, institutions with provisional eligibility will be audited on the same cycle. An annual audit of these institutions was deemed to be administratively burdensome, and not feasible given current staffing levels.

16) Information and questions regarding these adopted amendments shall be directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: tbreyer@isac.org

The full text of the adopted amendments begins on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2700

GENERAL PROVISIONS

Section	Summary and Purpose
2700.10	Definitions
2700.20	General Institutional Eligibility Requirements
2700.30	General Applicant Eligibility Requirements
2700.40	Determining Applicant Eligibility
2700.50	User, Security and Confidentiality of Electronic Data Exchanges
2700.55	Audits and Investigations
2700.60	Appeal Procedures
2700.70	Contractual Agreement Requirements

AUTHORITY: Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USCA 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20783, effective January 1, 1986; amended at 11 Ill. Reg. 3167, effective January 29, 1987; amended at 11 Ill. Reg. 14099, effective August 10, 1987; amended at 12 Ill. Reg. 11510, effective July 1, 1988; amended at 13 Ill. Reg. 8626, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1700 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2700 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17854; amended at 14 Ill. Reg. 10538, effective July 1, 1990; amended at 16 Ill. Reg. 11206, effective July 1, 1992; amended at 17 Ill. Reg. 10541, effective July 1, 1993; amended at 18 Ill. Reg. 10282, effective July 1, 1994; amended at 19 Ill. Reg. 8343, effective July 1, 1995; amended at 20 Ill. Reg. 9170, effective July 1, 1996; amended at 21 Ill. Reg. 11066, effective July 18, 1997; amended at 22 Ill. Reg. 11072, effective July 1, 1998; amended at 23 Ill. Reg. 7550, effective July 1, 1999; amended at 24 Ill. Reg. 9121, effective 1-1-2000.

Section 2700.20 Definitions

"Academic Level" - The classification of a student as a freshman, sophomore, junior, senior, or graduate student.

"Academic Year" - In relation to scholarship and grant programs, a twelve month period of time, normally from August or September of any year through August or September of the ensuing year. In relation to the Federal Family Education Loan Program, academic year is defined as

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Section 481(d)(2) of the Higher Education Act of 1965, as amended (HEA), and at 34 CFR 668.2.

"Alternative loan" - Any educational loan made or purchased by ISAC other than a loan made pursuant to Title IV of the Higher Education Act of 1965, as amended (20 USCA 1071 et seq.), or any other federal statute providing for federal insurance of education loans to borrowers.

"Applicant" - Any individual who requests ISAC consideration for a scholarship, grant, tuition waiver, or guaranteed or alternative loan.

"Approved high school" - Any public high school located in this State; and any high school, located in this State or elsewhere (whether designated as a high school, secondary school, academy, preparatory school, or otherwise) which in the judgment of the State Superintendent of Education provides a course of instruction at the secondary level and maintains standards of instruction substantially the equivalent of those public high schools located in this State (Section 10 of the Higher Education Student Assistance Act [110 ILCS 947/10]).

"Armed Forces" - The United States Army, Air Force, Navy, Marines and Coast Guard.

"Chargeback" - Payment of tuition by the community college district of a student's residence to the community college district of a student's attendance. (See 110 ILCS 805/6-2.)

"Citizen" - One who, under the Constitution and laws of the United States, is a native-born or naturalized citizen of the United States of America.

"College Savings Bond" - A State of Illinois general obligation, zero coupon bond, issued pursuant to the Baccalaureate Savings Act as a long-term education savings instrument.

"Co-maker" - One of the two individuals who are joint borrowers either on a Federal PLUS Loan that was certified prior to January 1, 1995 or on any Federal Consolidation loan and who are equally liable for repayment of the loan. (See 34 CFR 682.200.)

"Commission" - The ten member Illinois Student Assistance Commission created by Section 15 of the Higher Education Student Assistance Act [110 ILCS 947/15].

"Compound Accredited Value" - An amount equal to the original amount plus an investment return accrued to the date of determination at a

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

semiannual compounding rate which is necessary to produce the yield at maturity indicated on the Official Statement that was issued when the college savings bonds were sold. The "Compound Accredited Value at Maturity" will be equal to \$5000 or an integral multiple thereof.

"Concurrent Registration" - The simultaneous enrollment at two or more institutions.

"Consolidation" - A federal program under which a borrower may receive a single new loan that refinances one or more outstanding qualified education loans under new terms and conditions ~~which allows borrowers to consolidate a number of loans into one~~, as authorized by Section 428C of the HEA.

"Contractual Agreement" - The written agreement between an eligible institution and a school or organization that is not eligible for participation in ISAC-administered programs whereby the non-eligible institution provides part of the education program of students enrolled at the eligible institution, as codified in Section 2700.80. A contractual agreement differs from a consortium agreement, which is an agreement among two or more eligible institutions only.

"Correctional Officer" - An employee of the Illinois Department of Corrections (DOC) who is assigned to a security position with the Department, and who has responsibility for inmates of any correctional institution under the jurisdiction of the Department.

"Correspondence Course" - A home study course provided by an institution under which the institution provides instructional materials, including examinations on the materials, to students who are not physically attending classes at the institution, as defined at 34 CFR 600.2.

"Co-signer" - A person who is secondarily liable for the repayment of an Alternative Loan.

"Cost of Attendance" - For the purposes of ISAC's rules, this term is defined at Section 472 of the Higher Education Act of 1965, as amended (20 USCA 108711).

"Cumulative Grade Point Average" - The average grade earned throughout a student's applicable secondary or postsecondary educational program. The calculation shall be consistent with the institution's established policy or practice and shall be the same as that completed for admission, placement or other similar purposes.

"Default Status" - The failure or refusal of a borrower to make an installment payment when due or to meet other terms of the promissory

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

note as defined at 34 CFR 682.200.

"Delinquency" - For the purposes of ISAC's rules, this term is defined at 34 CFR 682.411(b).

"Dependent Student" - A scholarship, loan, tuition waiver or grant applicant or recipient who is not classified as an independent student.

"Disbursement" - In relation to scholarship and grant programs, a disbursement occurs on the payment voucher date. In relation to the Federal Family Education Loan Program, disbursement is the process of transferring loan proceeds as defined at 34 CFR 682.200.

"Distance Education" - A learning and teaching mode characterized by the separation of place and/or time between instructor and student, which includes programs and courses offered by correspondence and telecommunications.

"ED" - The acronym for the United States Department of Education.

"Educational Institution" - Unless otherwise qualified, any secondary or postsecondary educational organization with enrolls students who participate in ISAC programs.

"Educational Lender" - An institution that meets the lender eligibility criteria outlined in 23 Ill. Adm. Code 2720.25 for FFELP Loans and 2721.40 for alternative loans.

"EFF" - The acronym for electronic funds transfer.

"Eligible Noncitizen" - A noncitizen who is eligible for federal student assistance pursuant to Section 494 of the Higher Education Act of 1965, as amended. (See 20 USCA 1091.)

"Endorser" - A person who is secondarily liable for the repayment of a Federal PLUS Loan obligation.

"Enrolled" - The status of a student who has completed the institution's registration requirements and is attending classes.

"Executive Director" - The chief executive officer of ISAC.

"Expected Family Contribution" - The amount the student and the student's family may be reasonably expected to contribute toward the student's postsecondary education. Expected Family Contribution is defined at Section 474 of the Higher Education Act (HEA) of 1965, as amended. (See 20 USCA 1087nn.)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

"FAFSA" - The acronym for the Free Application for Federal Student Aid.

"FAFSA Receipt Date" - The date reported by ED's processor as the date upon which it receives an applicant's initial FAFSA for an academic year. For paper FAFSA's sent through the U.S. Postal Service, this is the date of physical receipt at the processor, not the postmark date.

"Federal Regulations" - Refers to regulations promulgated by ED and codified at 34 CFR 600 et seq.

"FFELP" - The acronym for the Federal Family Education Loan Program, as authorized by Section 421 of the Higher Education Act, as amended, including subsidized and unsubsidized Federal Stafford Loans, Federal PLUS Loans, Federal SIS Loans and Federal Consolidation Loans.

"Fire Officer" - For the purposes of ISAC's rules, this term means a firefighter who is employed by, or in the voluntary service of, this State or any public entity in this State.

"Foreign Missionary" - An individual who is assigned duty outside of the United States by an organization that engages in educational, philanthropic, humanitarian or altruistic works. The missionary organization must be exempt from the payment of federal taxes and must have been engaged in placing foreign missionaries for at least five years. Examples of such missionary organizations include, but are not limited to, the following: Peace Corps, Evangelical Alliance Mission, etc.

"Full-time Student" - In relation to scholarship and grant programs, an individual enrolled for twelve or more credit hours, for either a semester or quarter term. In relation to the Federal Family Educational Loan Program, full-time student is defined at 34 CFR 682.200.

"Gift Assistance" - Student assistance funds in the form of a scholarship, grant or tuition waiver, including, but not limited to, federal, State, institutional and private aid.

"Good Moral Character" - An applicant is of good moral character if the applicant will benefit from postsecondary instruction and is allowed to enroll at an approved postsecondary institution.

"Graduating Class" - The students who will complete the high school's program of instruction and graduate within an academic year.

"Guaranteed Loan(s)" - Loan assistance through the Federal Family Education Loan Program (FFELP) which includes the subsidized and

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

unsubsidized Federal Stafford Loan, the Federal PLUS Loan, the Federal Supplemental Loans for Students (SLS), and the Federal Consolidation Loan programs.

"HEA" - The acronym for the Higher Education Act of 1965, as amended, and codified at 20 USCA 1070 et seq.

"Half-time Student" - In relation to scholarship and grant programs, an individual enrolled for six or more credit hours (but fewer than twelve credit hours) for either a semester or quarter term. In relation to the Federal Family Education Loan Program, half-time student is defined at 34 CFR 682.200.

"Holder" - An organization authorized by ED and ISAC to purchase or retain possession of guaranteed loans. These organizations operate as commercial and educational lenders or secondary markets and may purchase ISAC-guaranteed loans from approved lenders.

"IBHE" - The acronym for the Illinois Board of Higher Education, the administrative agency created by the Board of Higher Education Act [110 ILCS 947/205].

"IDAPP" - The acronym for ISAC's Illinois Designated Account Purchase program as authorized by the Education Loan Purchase Program Law [110 ILCS 947/125 through 170].

"Independent Student" - For the purposes of ISAC's rules, an independent student is defined by Section 480 of the Higher Education Act of 1965, as amended by P.L. 102-325. (See 20 USCA 1087vv.)

"Institution" - Unless otherwise qualified, any secondary or postsecondary educational organization which enrolls students who participate in ISAC programs.

"Institution of Higher Learning" - An educational organization located in Illinois which:

provides at least a two-year program of collegiate study in liberal arts or sciences, or associate degree or both, directly applicable toward the attainment of a baccalaureate degree, or, a program in health education directly applicable toward the attainment of a certificate, diploma, or an associate degree; and

is operated:

by the State, or

publicly or privately, not for profit, or

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

for profit, provided it:

Offers degree programs which have been approved by the IBHE for a minimum of three years under the Academic Degree Act, and

enrolls a majority of its students in these degree programs, and maintains accredited status with the North Central Association of Colleges and Schools Commission on Institutions of Higher Education.

For otherwise eligible educational organizations which provide academic programs for incarcerated students, the term "institution of higher learning" shall specifically exclude academic programs for incarcerated students (Section 10 of the Higher Education Student Assistance Act).

"Institution of Record" - The postsecondary institution at which a student is enrolled and seeking a degree or certificate. This institution assumes primary responsibility for certification of eligibility for ISAC-administered programs and for requesting payment from ISAC.

"ISAC" - The acronym for the Illinois Student Assistance Commission, the administrative agency created by Section 15 of the Higher Education Student Assistance Act [110 ILCS 947/15] to administer student assistance programs.

"ISBE" - The acronym for the Illinois State Board of Education, the administrative agency created by the School Code [105 ILCS 5].

"Lender" - An organization authorized by ISAC to make educational loans to students.

"Mandatory Fees" - The charges assessed by an institution to each and every full-time student for each term. Application, graduation, laboratory, breakage, add/drop fees, and program administrative fees for out-of-state or foreign study are specifically excluded. For the purposes of ISAC's rules, tuition is not a mandatory fee.

"MAP" - The acronym for the Monetary Award Program administered by ISAC, as authorized by 110 ILCS 947/35 and codified at 23 Ill. Adm. Code 2735.

"Master Check" - A single check representing the loan proceeds for more than one borrower.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

"Minority Student" - A student who is either Black (a person having origins in any of the black racial groups in Africa); Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race); Asian American (a person with origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, including Pakistan, and the Pacific Islands, including, among others, Hawaii, Melanesia, Micronesia and Polynesia); or Native American (a person who is a member of a federally or state recognized Indian tribe, or whose parents or grandparents have such membership) and to include the native people of Alaska (Section 50(a) of the Higher Education Student Assistance Act).

"Parent" - For the purposes of ISAC's rules, this term is defined at 34 CFR 668.2.

"Pell Grant" - A federal gift assistance program administered by ED in accordance with Section 411 of the Higher Education Act of 1965, as amended. (See 20 USCA 1070a et seq.)

"PLUS" - The federal program which provides loans to parents of certain students, as authorized by Section 428B of the Higher Education Act of 1965, as amended (20 USCA 1078-2) and Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175].

"Police Officer" - For the purposes of ISAC's rules, this term means a law enforcement officer who is employed by, or in the voluntary service of, this State or any public entity in this State.

"Qualified Applicant" - An individual who meets the eligibility requirements of the gift assistance program for which s/he is applying.

"Regular School Year" - An eight to nine month period of time which includes two semester terms or three quarter terms. The regular school year excludes summer terms. Terms that begin after April 15 and end before September 16 are considered summer terms.

"Remedial Courses" - The course work that prepares a student for study at the postsecondary level and is necessary for the student to pursue the eligible postsecondary program.

"Resident of Illinois" -

A dependent student is a resident of Illinois if the parent of the dependent applicant, who is required by the instructions to complete the Free Application for Federal Student Aid (FAFSA),

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

physically resides within the State of Illinois and Illinois is his or her true, fixed and permanent home.

An independent student is a resident of Illinois if the applicant physically resides within the State of Illinois (at the time of application), and has so resided for a period of 12 continuous, full months immediately prior to the start of the academic year for which assistance is requested and Illinois is his or her true, fixed and permanent home.

When an applicant does not qualify as a resident of Illinois under the preceding two paragraphs and the applicant is a member of the U.S. Armed Forces or a foreign missionary, or is the dependent or the spouse of an individual who is a member of the U.S. Armed Forces or a foreign missionary, then the applicant's residency shall be determined in accordance with the following four paragraphs.

An applicant who is a member of the U.S. Armed Forces will be a resident of Illinois if the applicant physically resided in Illinois immediately prior to entering the U.S. Armed Forces, returned (or plans to return) to Illinois within six months after including the date of separation and can demonstrate (pursuant to Section 2700.50(f) and (g)) that his/her domicile was the State of Illinois throughout such enlistment.

An applicant who is a foreign missionary will be a resident of Illinois if the applicant physically resided in Illinois for six continuous months immediately prior to entering missionary service, returned (or plans to return) to Illinois within six months after the conclusion of missionary service, and can demonstrate (pursuant to Section 2700.50(f) and (g)) that his/her domicile was the State of Illinois throughout such missionary service.

The dependent-applicant shall be a resident of Illinois notwithstanding the parent(s)' temporary physical absence from Illinois provided the parent(s) would be a resident of Illinois under the preceding two paragraphs.

The spouse-applicant shall be a resident of Illinois immediately upon physically occupying a dwelling within the State of Illinois provided the applicant can demonstrate that his/her absence from the State was the result of residing with the spouse during enlistment or missionary service outside of Illinois and that the spouse-applicant's domicile continues to be the State of Illinois.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

"Rules" - The rules of ISAC codified at 23 Ill. Adm. Code: Subtitle A, Chapter XIX.

"Satisfactory Academic Progress" - An institutional policy which establishes minimum standards of academic performance. For purposes of ISAC-administered programs, the standards must be at least as stringent as those required by ED pursuant to Section 484 of the Higher Education Act of 1965, as amended. (See 20 USCA 1091.)

"Service Academy" - *The U.S. Air Force Academy, the U.S. Coast Guard Academy, the U.S. Military Academy or the U.S. Naval Academy* (Section 30(a) of the Higher Education Student Assistance Act).

"SIS" - The acronym for the federal Supplemental Loans for Students program, as authorized by Section 428A of the Higher Education Act, as amended (20 USCA 1078-1). No SIS loans have been made for periods of enrollment beginning on or after July 1, 1994.

"Special Education" - A postsecondary educational program designed to teach persons how to meet the needs of all children designated as physically disabled, with specific learning disabilities, or requiring extraordinary special education services and facilities. (See 105 ILCS 5/14-1.02 and 7.20a.) These programs prepare persons for meeting the needs of children who exhibit disabilities or exceptional characteristics ranging from very mild to very severe. (See 23 Ill. Adm. Code 226, Special Education.) Such a program prepares a student to teach physically disabled children or children with learning disabilities. (See 105 ILCS 5/14-1.02 and 1.03a.)

"Stafford" - The federal subsidized and unsubsidized loan programs as authorized by Sections 427, 428 and 428H of the Higher Education Act, as amended (20 USCA 1078).

"Student Beneficiary" - An individual designated as the recipient of a College Savings Bond Bonus Incentive Grant.

"Teacher Education Program" - An undergraduate postsecondary course of study which, upon completion, qualifies a student to be certified as a pre-school, elementary or secondary teacher by a state board of education or its equivalent (including the Illinois State Board of Education). For a student who has completed less than four semesters/six quarters of postsecondary study, this includes a postsecondary course of study which leads to a teacher education program.

"Teacher Shortage Discipline" - An academic discipline in which a shortage of teachers exists in Illinois, as designated by the Illinois State Board of Education.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

"Telecommunications Course" - A course offered principally through the use of television, audio, or computer transmission, including open broadcast, closed circuit, cable, microcassette, satellite, audio conferencing, computer conferencing, and video cassettes or disks, as defined at 34 CFR 600.2.

"Term" - A unit of time for student attendance, including, but not limited to, a quarter or semester.

"Tuition" - The charge for instruction assessed by an institution.

"Verification" - procedures implemented by postsecondary institutions to verify the eligibility of applicants. The procedures are established by 34 CFR 668 et seq. and by ISAC's rules.

(Source: Amended at 24 Ill. Reg. 9121-5 effective 1/1/2000)

Section 2700.30 General Institutional Eligibility Requirements

a) ISAC Program Participation Agreement

1) All institutions shall execute an ISAC Program Participation Agreement in order to participate in ISAC gift assistance programs.

2) The ISAC Program Participation Agreement shall identify the ISAC programs under which the institution's students may receive benefits.

3) The ISAC Program Participation Agreement shall include provisions requiring institutions to comply with statutes, federal regulations and State rules.

4) The ISAC Program Participation Agreement may be modified or terminated in accordance with 23 Ill. Adm. Code 2790, Limitation, Suspension or Termination Proceedings.

b) With respect to ISAC student assistance programs, institutions shall develop and maintain procedures to verify the consistency and accuracy of information received from their enrolled recipients.

c) Institutions shall be subject to possible limitation, suspension or termination of eligibility for failure to comply with statutes, regulations, rules or procedures and for failure to maintain the standards required by this Section for initial participation. (See 23 Ill. Adm. Code 2790.)

d) Postsecondary institutions which participate in gift assistance programs shall annually submit to ISAC a copy of ~~both--their satisfactory academic progress policy and their tuition refund policy. Postsecondary institutions shall also submit a copy of--their public establishing a minimum grade-point average for recipients of grants pursuant to the Illinois National Guard Grant Program--and--the Illinois Veteran Grant Program.~~ Such submissions shall not be

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

e) Postsecondary institutions which participate in gift assistance programs shall annually report their tuition and fee charges to ISAC on or before June 1 preceding each academic year.

1) Failure to report any cost changes by the deadline will cause the prior year's charges to be used as part of the calculation process for gift assistance benefits. Failure to report the assessment of a fee charge by the deadline will result in that fee charge being ineligible for payment under ISAC gift assistance programs.

2) The report shall match specific fee charges with the gift assistance program(s) which may finance the fee. Such categorizations by the institution shall not be considered ISAC approval.

3) The Illinois National Guard Grant and the Illinois Veteran Grant (IVG) Programs may finance only a portion of certain fee charges. (See 23 Ill. Adm. Code 2730.10(c) and 2733.20(f).)

A) Example: One fee finances both tuition and text book expenses. Only the portion of the fee which is attributable to tuition expenses may be financed with program benefits.

B) Institutions with such a fee shall certify what percentage of the fee is eligible to be financed with program benefits. Certification shall be performed by the institution's chief fiscal officer.

f) Institutions shall submit additional reports, data and information to ISAC as may be requested. These inquiries include, but are not limited to, surveys, enrollment confirmations and evaluation instruments.

g) Additional institutional eligibility requirements are contained in subsequent parts of ISAC's rules.

h) Postsecondary institutions may apply to participate in ISAC-guaranteed loan programs in accordance with 23 Ill. Adm. Code 2720.

i) Postsecondary institutions may apply to participate in ISAC gift assistance programs in accordance with this subsection.

1) The Commission approves participation in ISAC gift assistance programs for an institution rather than for specific academic programs within an institution.

2) Prior to applying for participation in ISAC gift assistance programs, the institutional applicant must have authority to operate a postsecondary institution in Illinois. (See 23 Ill. Adm. Code 1030.)

3) Institutional applicants which are fully accredited by the North Central Association and have degree-granting authority may be approved to participate in ISAC gift assistance programs provided the institution meets and maintains the requirements of subsections (i)(4)(C) and (D) below.

4) Institutional applicants which do not meet the requirements of subsection (i)(3) above may be approved to participate in ISAC

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Institutions that have been assigned multiple main OPE-ID numbers will be considered separate entities by ISAC. Different campus codes associated with the same main OPE-ID number will not be considered separate entities.
- m) An institution shall notify ISAC of its Federal Employer Identification Number (FEIN) in order to receive payment pursuant to any ISAC-administered program.
- n) When an approved institution has a change of ownership resulting in a change of control, a change of location, or a change of name as defined by federal regulations, the institution's Program Participation Agreement with ED may be terminated. After an institution has undergone a change of status affecting its participation in any Title IV federal student financial aid programs, the institution may have its eligibility with ISAC reinstated by the execution of a new Program Participation Agreement with ED (see, e.g., 34 CFR 600.30 et seq.) and by the submission and approval of a new application for participation with ISAC.

(Source: Amended at 24 Ill. Reg. 9121-2 effective 11/1/2000)

Section 2700.40 General Applicant Eligibility Requirements

- a) Except as otherwise provided by this subsection, an applicant with a defaulted loan made pursuant to Title IV of the Higher Education Act is not eligible for benefits under ISAC-administered programs.
 - 1) Eligibility for guaranteed loans may be reinstated in accordance with federal regulations and the following provisions:
 - A) Eligibility for ISAC-guaranteed loans will be reinstated when:
 - i) the debt has been paid in full;
 - ii) the borrower has made a "satisfactory repayment arrangement," in accordance with 34 CFR 682.200;
 - iii) the borrower's prior defaulted loan(s) has been rehabilitated, in accordance with 34 CFR 682.405; or
 - iv) the borrower has made payments on a defaulted loan(s) to consolidate that loan(s) in accordance with 34 CFR 682.201.
 - B) Borrowers are eligible to use subsection (A)(ii) above only one time during the entire life of any loan.
 - C) Eligibility for ISAC-administered gift assistance will be reinstated for current and future terms when the applicant has maintained a satisfactory repayment record for at least six consecutive months or has met the requirements of subsection (a)(1)(A) above. Factors to be considered by ISAC in evaluating the repayment record include: the amount of the debt, the amount of the payments received by ISAC, the employment status of the applicant, and the frequency of

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- gift assistance programs if the institution has:
 - A) obtained candidate status for North Central accreditation.
 - B) applied for and is seeking degree-granting authority.
 - C) obtained at least three letters indicating the transferability of academic credit from the applicant institution to other institutions. The letters must be from institutions which are approved to participate in the Monetary Award Program (MAP) and are fully accredited by the North Central Association. (See 23 Ill. Adm. Code 2735.60.)
 - D) an adequate number of qualified persons to administer their responsibilities under ISAC's rules. In determining whether an institution employs an adequate number of qualified persons, the Commission considers the number of students aided, the number of programs in which the institution participates, the number of applications evaluated, the amount of funds administered, and the financial aid delivery system used by the institution.
- 5) Institutional applicants must also supply ISAC with audited financial statements, prepared by an independent third party in accordance with generally accepted accounting principles, to establish financial responsibility. (See, e.g., 34 CFR 668.15.)
- 6) Once approved to participate in ISAC gift assistance programs by the Commission, an institution shall receive provisional eligibility for a minimum of five academic years. At 60 or before June--1--preceding--each--academic--year--an--institution--with--provisional--eligibility--shall--annually--submit--three--letters--indicating--the--transferability--of--academic--credit--to--other--institutions--for--the--following--academic--year--These--letters--must--be--from--ISAC--approved--MAP--institutions--which--are--fully--accredited--by--the--North--Central--Association--B) An institution with provisional eligibility must petition the Commission for full eligibility. Full eligibility will be granted if the institution meets the requirements of subsection (1)(2)(3) above and if there are no outstanding audit exceptions.
- 7) As a condition of eligibility for participation in ISAC student assistance programs, postsecondary institutions shall have a valid Program Participation Agreement with ED (see Section 487 of the Higher Education Act of 1965, as amended (20 USC 1094)) and shall report their Office of Postsecondary Education Identification (OPE-ID) number to ISAC.
- k) In order to begin and to continue participation in ISAC-administered student assistance programs, institutions must also demonstrate administrative capability and financial responsibility, as defined by federal regulations. (See, e.g., 34 CFR 668.15 & 668.16.) An institution's failure to meet and maintain those standards can lead to limitation, suspension or termination proceedings. (See 23 Ill. Adm. Code 2790.)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- the applicant's contact with ISAC.
- 2) A qualified applicant for Illinois Veteran Grant (IVG) assistance (23 Ill. Adm. Code 2733) shall be permitted one term of assistance during which a satisfactory repayment record, as defined by subsection (a)(1)(C) above, must be established. If such a repayment record is not established, additional assistance shall be denied until a satisfactory repayment record is established.
 - b) No applicant shall receive ISAC-administered assistance if the applicant owes a refund for any ISAC-administered gift assistance, a Federal Pell Grant, or a Federal Supplemental Educational Opportunity Grant (FSEOG) (20 USC 4552-4; 1070(b)).
 - c) An applicant shall, upon request, provide documentation to establish and verify eligibility. (See Section 2700.50.) Failure to supply adequate documentation will result in the denial of student assistance benefits.
 - d) An applicant supplying fraudulent data shall be denied assistance and may also be subject to prosecution by the Illinois Attorney General, United States Department of Justice and/or an Illinois State's Attorney.
 - e) Each applicant must submit his/her Social Security Number (SSN).
 - f) Recipients who cease to be residents of Illinois after notification of eligibility may complete the academic year with the assistance awarded.
 - g) Unless otherwise provided, benefits under gift assistance programs are subject to the limits of dollars appropriated to ISAC by the Illinois General Assembly and approved by the Governor. **Benefits--under--gift assistance--programs--are--generally--limited--to--the--regular--school--year.** If funding is available, assistance for summer terms or for attendance on a less than half-time basis shall be awarded separately.
 - h) When gift assistance eligibility is limited to a specified number of term payments, the eligibility cap is calculated in accordance with this subsection.
 - 1) For each semester term of full-time payment benefits, the recipient is assessed six eligibility units. For each quarter term of full-time payment benefits, the recipient is assessed four eligibility units.
 - 2) For each semester term of half-time payment benefits, the recipient is assessed three eligibility units. For each quarter term of half-time payment benefits, the recipient is assessed two eligibility units.
 - 3) Sixty eligibility units are the equivalent of payments for ten semesters/fifteen quarters of full-time benefits.
 - 4) Forty-eight eligibility units are the equivalent of payments for eight semesters/twelve quarters of full-time benefits.
 - i) An applicant shall comply with Selective Service registration requirements, pursuant to 34 CFR 668.31 et seq.
 - j) Except for grants pursuant to 23 Ill. Adm. Code 2730 (Illinois

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- National Guard Grant Program) and 23 Ill. Adm. Code 2733 (Illinois Veteran Grant Program), an applicant must be maintaining satisfactory academic progress in accordance with the institution's policy.
- k) Except for grants pursuant to 23 Ill. Adm. Code 2733 (Illinois National Guard Grant Program) and 23 Ill. Adm. Code 2733 (Illinois Veteran Grant Program), ISAC gift assistance benefits for courses utilizing distance education are limited to students enrolled in eligible degree or certificate programs who are eligible to receive Title IV, HEA program funds. (See 34 CFR 668.38.)
 - l) Except for grants pursuant to 23 Ill. Adm. Code 2730 (Illinois National Guard Grant Program) and 23 Ill. Adm. Code 2733 (Illinois Veteran Grant Program), students enrolled in academic programs while incarcerated are ineligible for ISAC gift assistance benefits--except--for--Illinois--National--Guard--Grant--and--Illinois--Veteran--Grant--program--recipients.

(Source: Amended at 24 Ill. Reg. **9121-1-3**, effective Jul 1 1990)

Section 2700.50 Determining Applicant Eligibility

- a) The evaluation of applicant eligibility is the responsibility of both the institution and ISAC.
- b) No applicant is announced eligible for assistance by ISAC unless the application establishes prima facie eligibility. ISAC consults with other appropriate state and federal agencies in the process of reviewing application data. Such agencies include, but are not limited to, the U.S. Department of Education (ED), U.S. Internal Revenue Service (IRS), U.S. Immigration and Naturalization Service (INS), Illinois Department of Public Aid, Illinois Department of Revenue, and Illinois Department of Children and Family Services.
- c) When requesting payment for ISAC gift assistance programs, the postsecondary institution must certify that the applicants are eligible for the assistance. If an institution subsequently determines a student is no longer eligible for all or part of the awarded assistance, the institution must inform ISAC and submit the appropriate refund within 60 days after the receipt of payment or the end of a term, whichever is later.
- d) When requesting payment of benefits, institutions shall certify (in accordance with ISAC's rules and/or federal regulations) whether an applicant is eligible based upon enrollment in a particular academic program.
- e) If an institution erroneously certifies an applicant to be eligible for ISAC gift assistance programs, ISAC will recover the erroneous payment from the institution. Any student who obtained ISAC-administered funds by submitting inaccurate information to an institution must tender restitution to the institution to be eligible for ISAC assistance at that institution.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) If an applicant is selected for verification in conjunction with federal student assistance, that applicant shall also be verified for ISAC-administered programs. A selected applicant must be verified for ISAC programs even if the applicant is ineligible for federal student assistance.
- g) Because ID verification procedures do not include procedures for verifying a student as a resident of Illinois, the following provisions shall be followed by the institution. Action (g)(2) below, notwithstanding the requirements of the institution, shall be required for students who receive verification and shall not be required for students who received payment of a MAP award during the previous academic year.
- 2) Residency status shall be verified for each applicant who is selected for verification and meets one of the following criteria:
- A) the applicant has changed dependency status and has become an independent student; or
 - B) the applicant has not been enrolled in an ISAC-approved MAP institution or an ISAC-approved Illinois high school (see Section 2700.30) during the preceding twelve months; or
- 3c) Residency status shall be verified if the institution has any information which indicates the applicant may not be a resident of Illinois.
- 43) Data from one or more of the documents listed below may provide proof that an applicant (or parent) is an Illinois resident, as defined in Section 2700.20. For an independent student applicant, the dates recorded on the documents must indicate the applicant has resided in Illinois for the relevant twelve continuous, full months.
- A) A valid State or Federal income tax return
 - B) Illinois high school or college transcript
 - C) Illinois driver's license
 - D) Utility or rent bills in the applicant's (or parent's) name
 - E) Illinois auto registration card
 - F) Residential lease in the applicant's (or parent's) name
 - G) Wage and tax statements (IRS Form W-2)
 - H) Statement of benefits history from the Illinois Department of Public Aid
 - I) State of Illinois identification card issued by the Secretary of State
 - J) Statement of benefits from the Illinois Department of Employment Security
 - K) Statement of benefits from the Social Security Administration
 - L) Illinois voter's registration card
 - M) Property tax bill.
- 54) If an applicant is a resident of Illinois, but the institution cannot document this fact in accordance with subsection (g)(2)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- above, the applicant or the institution may verify residency through ISAC's appeal process. (See Section 2700.70.)
- h) Institutions may request first term payment even though verification is not yet complete. If, after verification, an ISAC payment adjustment is appropriate, institutions must submit the appropriate refund. If verification is not completed within 60 days after the conclusion of the regular school year, the institution shall return the first term payment to ISAC. For other terms, the first term of eligibility in an academic year, the verification process must be completed before the institution requests payment.
- i) When an institution adjusts an applicant's eligibility pursuant to Title IV, Part F of the Higher Education Act of 1965, as amended (20 USC 1087kk et seq.), the institution shall retain documentation which demonstrates the appropriateness of such adjustment.
- j) College tuition benefits payable to a qualified beneficiary under College Illinois! (23 Ill. Adm. Code 2775) shall not be considered in determining the eligibility of that beneficiary as an applicant for any ISAC gift assistance program.

(Source: Amended at 24 Ill. Reg. 9121 effective 7/1/2001)

Section 2700.55 Use, Security and Confidentiality of Electronic Data Exchanges

- a) ISAC will provide eligible institutions and lenders with electronic data regarding applicants in return. Institutions and lenders will provide ISAC with electronic data on applicants as required by ISAC's rules.
- b) Information on the availability of electronic data exchanges shall be provided in ISAC publications. To participate in electronic data exchanges, the institution or lender shall:
- i) meet the eligibility guidelines established by ISAC;
 - ii) execute a written agreement with ISAC outlining the conditions of participation; and
 - iii) select a machine-readable medium for teletransmission.
- c) In the event the medium is lost, damaged, mutilated or erased, the party responsible shall bear the cost of replacing or restoring the medium.
- d) ISAC shall provide program documentation and reasonable technical assistance related to data exchanges. Data and program documentation shall be confidential and shall not be used, sold or otherwise disclosed to other parties, which is directly related to the internal operations of the institution, lender or ISAC.
- e) Institutions and lenders participating in direct teletransmission data exchanges shall be provided with security procedures including access codes and passwords. Institutions and lenders shall be responsible for implementing appropriate safeguard procedures to protect the integrity of the data transmitted or received.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

f) All educational institutions, institutions and lenders, holders, servicers and other entities participating in ISAC-administered programs shall comply with all applicable federal and State laws which regulate the privacy and use of, and access to, shared applicant data. (See, e.g., the Family Educational Rights and Privacy Act (20 USCA §562e; the Data Processing Confidentiality Act [30 ILCS 585/0.01 et seq.]; the Freedom of Information Act [5 ILCS 140]; Section 487 of the Higher Education Act of 1965, as amended (20 USCA §562e; 1094); and 34 CFR 682.610.) The data shall be confidential and shall not be used, sold or shared for any purpose other than that which is directly related to the internal operations of the participating entity or ISAC. Participating entities shall be responsible for implementing appropriate security procedures to protect the integrity of the data accessed, transmitted or received.

(Source: Amended at 24 Ill. Reg. 9121, effective July 1, 2000.)

Section 2700.60 Audits and Investigations

- a) ISAC shall audit participating ~~postsecondary~~ institutions of higher learning. Postsecondary institutions participating in ISAC gift assistance programs shall be audited once every three years (schedule permitting) unless more frequent audits appear to be necessary due to circumstances such as: substantial increases in student enrollment, evidence that the institution is experiencing difficulty meeting the requirements of ISAC's rules or federal regulations, or discrepancies in past audits conducted by ISAC. ~~Institutions-with-provisional eligibility shall be audited annually-schedule-permitting.~~ Secondary institutions may be audited when ISAC has a complaint indicating an audit is appropriate. Audits shall usually be announced, but ISAC reserves the right to make unannounced audits.
- b) ISAC shall have access to all records related to ISAC programs. These records include, but are not limited to: admission records, financial records, registration records, attendance and enrollment records, financial aid transcripts, grades, academic transcripts and records maintained in accordance with ED verification procedures.
- c) ISAC audits shall be conducted in accordance with generally accepted audit standards as promulgated by the U.S. General Accounting Office publication "Standards for Audit of Governmental Organizations, Program Activities and Functions," where applicable.
- d) The institution shall be extended an opportunity to review and comment on the auditor's preliminary findings before the final audit report is submitted to the institution's chief executive officer. Audit findings may be appealed in accordance with Section 2700.70, Appeal Procedures.
- e) If an audit identifies gift assistance funds which were claimed on behalf of ineligible students, the funds shall be repaid to ISAC by the institution.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

f) ISAC may visit institutions to conduct investigations related to fraud and abuse of its programs. Campus administrators and/or campus security police may be consulted as part of any ongoing investigation.

(Source: Amended at 24 Ill. Reg. 9121, effective July 1, 2000.)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Incentive For Access (IIA) Program
- 2) Code Citation: 23 Ill. Adm. Code 2736
- 3) Section Numbers:
2736.30 Adopted Action:
 Amendment
- 4) Statutory Authority: Implementing Section 36 and authorized by Section 20(f) of the Higher Education Student Assistance Act (110 ILCS 947/36 and 20(f)).
- 5) Effective Date of Amendments: July 1, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 28, 2000, 24 Ill. Reg. 1505

- 10) Has JCAR issued a Statement of Objection to these amendments? No

- 11) Differences between proposed and final version: The only changes made were technical in nature.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these amendments replace an emergency amendment currently in effect?
No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC adopted the following substantive amendments:

In Section 2736.30(1), the prohibition on the use of IIA for

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

correspondence courses has been removed, in recognition of the increased utilization of distance education. It is important to note, however, that the usage permitted is limited to students in eligible degree or certificate programs at MAP-eligible institutions only. Correspondence schools, which offer course work primarily through this means, are not eligible institutions under either federal or State financial aid programs, and therefore their students still remain ineligible for IIA. This change parallels the eligibility provisions for federal student aid programs.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015
(847) 948-8500
email: tbreyer@isac.org

The full text of the adopted amendments begins on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- d) It is the responsibility of IIA grant applicants to gain admission to approved Illinois institutions. Illinois institutions are not obligated to admit IIA applicants.
- e) IIA grant payment is subject to the limit of dollars appropriated to ISAC by the Illinois General Assembly. If funds are insufficient to pay all claims, grants will be awarded according to the date the completed applications were received until funds have been expended.
- f) ISAC must submit a written evaluation of the IIA Program to the Governor, the General Assembly and the Board of Higher Education, including a report of the progress made toward the goal of increasing the access and retention rates for IIA grant recipients. Therefore, ISAC may collect data from institutions to comply with this requirement.
- g) IIA grants are applicable to any expense that is used to calculate the applicant's cost of attendance.
- h) The IIA grant shall not pay for academic programs intended to prepare a student for the General Educational Development (GED) test or for a high school diploma. (See, e.g., 23 Ill. Adm. Code 215.)
- i) The IIA grant shall not pay for audit courses, credit-by-examination and/or life experience, or non-credit course offerings (except qualifying remedial courses) or correspondence courses. Such course work cannot be used to meet the half-time requirement. Remedial courses shall be eligible for IIA payment provided the student has been accepted into an eligible degree/certificate program and is taking the remedial courses as a part of that program. Payment shall not be made for more than the equivalent of one year of remedial course work (i.e., 30 semester hours or 45 quarter hours). Repeat courses are eligible for IIA payment.
- j) An institution is obligated to provide IIA recipients the same facilities and instruction, on the same terms, as those provided to other students.

(Source: Amended at 24 Ill. Reg. 9144, effective 10/1/2000)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2736
ILLINOIS INCENTIVE FOR ACCESS (IIA) PROGRAM

Section	Summary and Purpose
2736.10	Applicant Eligibility
2736.20	Program Procedures
2736.40	Institutional Procedures

AUTHORITY: Implementing Section 36 and authorized by Section 20(f) of the Higher Education Student Assistance Act (110 ILCS 947/36 and 20(f)).

SOURCE: Emergency rules adopted at 20 Ill. Reg. 10397, effective August 1, 1996, for a maximum of 150 days; adopted at 20 Ill. Reg. 15067, effective November 15, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11110, effective July 18, 1997; amended at 22 Ill. Reg. 10397, effective July 1, 1998; amended at 24 Ill. Reg. 9144, effective 10/1/2000.

Section 2736.30 Program Procedures

- a) An applicant applies for an IIA grant by using the form which the United States Department of Education (ED) designates as the application form for federal student financial aid. (See 20 USCA §564a-1070a.) This is also the application form used for the Monetary Award Program (MAP) grant. (See 23 Ill. Adm. Code 2735.30(a).)
- 1) An applicant must authorize ED to release his/her data to ISAC.
 - 2) An applicant, spouse and/or parents of the applicant, as applicable, are required to submit financial information on the application regarding income, asset value and non-taxable income (e.g., Temporary Assistance for Needy Families, public aid, veterans' or Social Security Benefits). This information shall be kept confidential.
 - 3) A recipient must report to the institution all additional gift assistance, such as tuition waivers and scholarships.
 - 4) An applicant must file his/her application by the deadline date established by ISAC.
 - 5) A qualified applicant may receive one grant of up to \$500.
 - 6) The application must be complete at the time the grant is awarded.
 - 7) ISAC must have accurate data to properly determine an applicant's eligibility. If changes or corrections are necessary after receipt of corrected data, ISAC shall recalculate awards for those applicants whose applications are not in agreement with their financial records.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) **Heading of the Part:** Illinois National Guard (ING) Grant Program
- 2) **Code Citation:** 23 Ill. Adm. Code 2730
- 3) **Section Numbers:**

2730.20
2730.30
Amendment
- 4) **Statutory Authority:** Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act (110 ILCS 947/45 and 20(f)).
- 5) **Effective Date of Amendments:** July 1, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) **Notice of Proposal Published in Illinois Register:** January 28, 2000, 24 Ill. Reg. 1509

- 10) Has JCAR issued a Statement of Objection to these amendments? No

- 11) Differences between proposed and final version: In addition to a number of technical changes, a series of related substantive changes were made in response to public comment. In an attempt to clarify existing policy in Section 2730.20(b), which requires recipients under this program to be currently serving personnel, ISAC inadvertently used the incorrect term "on active duty status" instead of the more correct term "in active status." This error was corrected, and with the concurrence of JCAR staff, a number of conforming changes were also made to that subsection, as well as to Section 2730.30 (g) and (h).

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these amendments replace an emergency amendment currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC adopted the following substantive amendments: In Section 2730.20(a), the requirement for students to report changes in the institution of attendance by specified dates has been eliminated, in order to provide greater flexibility to applicants. Also, in Section 2730.20(b) and Section 2730.30 (g) and (h), existing policy has been clarified by stating specifically that applicants must be currently serving personnel in active status.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015
(847) 948-8500
email: tbreyer@isac.org

The full text of the adopted amendments begins on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2730
ILLINOIS NATIONAL GUARD (INC) GRANT PROGRAM

Section	Summary and Purpose
2730.10	Applicant Eligibility
2730.20	Program Procedures
2730.40	Institutional Procedures

AUTHORITY: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/45 and 20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; rules repealed at 6 Ill. Reg. 8239, effective June 30, 1982; new rules adopted at 6 Ill. Reg. 8413, effective June 30, 1982; codified at 7 Ill. Reg. 10877; amended at 8 Ill. Reg. 17016, effective September 5, 1984; amended at 9 Ill. Reg. 20827, effective January 1, 1986; amended at 11 Ill. Reg. 3202, effective January 29, 1987; amended at 12 Ill. Reg. 11531, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1730 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2730 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17857; amended at 14 Ill. Reg. 10567, effective July 1, 1990; amended at 16 Ill. Reg. 11254, effective July 1, 1992; amended at 17 Ill. Reg. 10563, effective July 1, 1993; amended at 18 Ill. Reg. 10303, effective July 1, 1994; amended at 20 Ill. Reg. 9187, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11119, effective July 18, 1997; amended at 22 Ill. Reg. 11100, effective July 1, 1998; amended at 24 Ill. Reg. 9148, effective 11/1/2000.

Section 2730.20 Applicant Eligibility

- a) Students must file an application annually indicating the institution to be attended. No payment will be authorized for any applicant until a current application is on file. The deadline for applications will be September 15 for first term, March 1 for second semester/second and third quarter, and June 15 for the summer term. ~~Institution-of-attendance-changes-must-also-be-reported-by-these-dates.~~

1) Qualified applicants will receive an eligibility letter from ISAC for each academic year following the filing of the application. This letter must be delivered to the institution at which the student is enrolled. Ineligible applicants will receive written notification from ISAC of their ineligibility to receive program benefits; and

2) ISAC will verify application data in consultation with the

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Illinois Department of Military Affairs when reviewing an application.

- b) Applicants must be in active status in the Illinois Army or Air National Guard and have served for at least one year in the Illinois National Guard. Eligibility is available to any such enlisted person or any company grade officer, including warrant officers, first and second lieutenants, and captains in the Army and Air National Guard, except for those persons who are members of the inactive Illinois National Guard.

- c) Recipients must maintain an acceptable grade point average as determined by the institution pursuant to a published policy.

- d) Changes of address, name, status with the Illinois National Guard or institution of attendance must be reported in writing to ISAC.

(Source: Amended at 24 Ill. Reg. 9148, effective 11/1/2000.)

Section 2730.30 Program Procedures

- a) The recipient is exempt from paying the following:

- 1) tuition;
- 2) registration fees;
- 3) graduation fees; and
- 4) general activity fees.

- b) The recipient is responsible for payment of other fees, including the following:

- 1) book rental fees;
- 2) laboratory and supply fees;
- 3) air flight fees;
- 4) hospital and health insurance fees;
- 5) room and board;
- 6) parking fees;
- 7) student union fees;
- 8) athletic fees; and
- 9) proficiency or placement exam(s) and other similar fees.

- c) Benefits are applicable to both undergraduate and graduate enrollment. There is no minimum credit-hour enrollment requirement. Benefits are applicable for noncredit courses.

- d) Benefits may be used at Illinois public senior universities and at any Illinois public community college.

- e) Within the constraints of appropriation levels, two semester or three quarter term payments and one summer term payment are made directly to the institution after it officially certifies to ISAC that the applicant has registered and is attending classes. No seminars or other special terms are covered under the grant. Summer term is considered the final term of the academic and fiscal year.

- f) Recipients are entitled to receive benefits for the equivalent of eight semesters/twelve quarters of full-time enrollment.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) To determine the amount of eligibility a recipient has used, credit hours (and noncredit hours for which benefits are used) will be converted to "eligibility units" according to the following chart:

Number of Hours	Semester School	Quarter School
12 or more hours	12 units	8 units
9 - 11.99 hours	9 units	6 units
6 - 8.99 hours	6 units	4 units
3 - 5.99 hours	3 units	2 units
0 - 2.99 hours	1 unit	1 unit

- 2) Recipients may continue to reapply and accumulate up to 96 units, after which point eligibility for program benefits will cease.
- 3) If an eligible recipient withdraws from enrollment after the expiration of the tuition refund/withdrawal adjustment period, the recipient shall receive a grant for costs incurred up to the term award provided the institution's tuition refund policy indicates the recipient has incurred charges in the amount of the claim.
- 4) In the event that the recipient withdraws from a course(s) prior to the end of a term, eligibility units will be assessed in proportion to the total dollars that are paid. If the recipient has had any portion of his/her tuition and fees paid, at least one eligibility unit will be charged to the recipient.

Example: A recipient is enrolled for twelve semester hours at a cost of \$600. The recipient withdraws from enrollment and incurs expenses of \$300 in accordance with the institution's tuition refund policy. The recipient would use six eligibility units and would receive \$300 in benefits.

- 5) The eligibility units used for a noncredit course shall be the same as the number of eligibility units used for a credit course having the same number of total faculty contact hours.

- g) If a current year applicant is discharged, transferred to the inactive Illinois National Guard, or has membership extended by the Illinois National Guard, ISAC will send a revised eligibility letter or ineligibility letter to the applicant. In the case of discharge, a copy of the letter will be sent to the institution of record.

- h) If a recipient ceases to be an active status member of the Illinois National Guard during a term, benefits cease, and the student is responsible for the unpaid costs attributed to the remainder of the term. If an applicant becomes eligible during a term, in accordance with Section 2730.20(b), benefits will be prorated for that portion of the term for which the applicant is eligible, provided the application is submitted by the deadlines. Costs are prorated on the basis of the institution's scheduled days of instruction minus institutionally

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

scheduled holidays and examination periods.

Calculation: Total tuition cost divided by total instructional days = cost per day x days of eligibility = total proration.

- 1) Out-of-state residents will receive tuition and applicable fee benefits equivalent to those received by in-state residents at the Illinois institution; recipients attending out-of-district community colleges will receive tuition and applicable fee benefits equivalent to those at the in-district rate. Recipients shall not be responsible for paying the difference between in-state and out-of-state tuition nor will they be responsible for paying the difference between in-district and out-of-district tuition.

- 2) If a student is eligible for both an Illinois National Guard Grant and a MAP grant, the Illinois National Guard benefits must be used first. A student cannot decline an Illinois National Guard Grant in favor of using MAP.

(Source: Amended at 24 Ill. Reg. 9148 = effective 11/1/00)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Prepaid Tuition Program
- 2) Code Citation: 23 Ill. Adm. Code 2775
- 3) Section Numbers: Adopted Action: 2775-20 Amendment
- 4) Statutory Authority: Implementing the Illinois Prepaid Tuition Act [110 ILCS 979] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- 5) Effective Date of Amendments: July 1, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, amendment, or repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 28, 2000, 24 Ill. Reg. 1513
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposed and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter? Yes
- 13) Will these amendments replace an emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC adopted the following substantive amendments:

The definition of "Qualified Beneficiary" under Section 2775.20, Definitions, has been modified to implement changes contained in Public

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Act 91-669. The adopted language clarifies the conditions under which a child less than one year of age may be deemed to be a qualified beneficiary under this program.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: tbreyer@isac.org

The full text of the adopted amendments begins on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
 SUBTITLE A: EDUCATION
 CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2775:
 ILLINOIS PREPAID TUITION PROGRAM

Section 2775.10	Summary and Purpose
2775.20	Definitions
2775.30	Participant Eligibility
2775.40	Program Procedures
2775.50	Contract Terms and Conditions
2775.60	Scholarships, Grants or Monetary Assistance
2775.70	Disclosure

AUTHORITY: Implementing the Illinois Prepaid Tuition Act [110 ILCS 979] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 16652, effective September 11, 1996, for a maximum of 150 days; adopted 33 Ill. Reg. 2591, effective February 1, 1999; amended at 24 Ill. Reg. 6164, effective 11/1/2000.

Section 2775.20 Definitions

"Illinois Community College" - A public community college as defined in Section 1-2 of the Public Community College Act.

"Illinois Prepaid Tuition Contract" or "Contract" - A contract entered into between the Illinois Student Assistance Commission, on behalf of the State of Illinois, and a purchaser under Section 45 of the Illinois Prepaid Tuition Act to provide for the higher education of a qualified beneficiary.

"Illinois Prepaid Tuition Program" or "Program" - The college savings and investment program created in Section 15 of the Illinois Prepaid Tuition Act.

"Illinois Prepaid Tuition Trust Fund" - The repository of all moneys received by the Commission, including all contributions, appropriations, interest and dividend payments, gifts, or other financial assets received in connection with operation of the Illinois Prepaid Tuition Program.

"Illinois Public University" - Any campus of: the University of Illinois, Illinois State University, Chicago State University,

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Governors State University, Southern Illinois University, Northern Illinois University, Eastern Illinois University, Western Illinois University or Northeastern Illinois University.

"MAP-eligible Institution" - A public institution of higher education or a nonpublic institution of higher education whose students are eligible to receive need-based student financial assistance through Monetary Award Program (MAP) grants administered by the Illinois Student Assistance Commission under the Higher Education Student Assistance Act and whose students also are eligible to receive benefits under Section 529(a) of the Internal Revenue Code of 1986, as specified by the federal Small Business Act of 1996 and subsequent amendments to this federal law.

"Member of the Family" or "Immediate Family" - Member of the family as defined in the Internal Revenue Code, Section 529(e)(2), as amended, means an individual who bears a relationship to a qualified beneficiary as follows: son or daughter, or a descendant of either; stepson or stepdaughter; brother, sister, stepbrother, stepsister, half-brother, or half-sister; father or mother or an ancestor of either; stepfather or stepmother; son or daughter of a brother or sister; brother or sister of the father or mother; son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law or sister-in-law, the spouse of any of the above; or the spouse. In determining whether any of these relationships exist, a legally adopted child of an individual shall be treated as a child of such individual by blood.

"Nonpublic Institution of Higher Education" - Any MAP-eligible educational organization, other than a public institution of higher education, that provides a minimum of an organized 2-year program at the postsecondary level and that operates in conformity with standards substantially equivalent to those of public institutions of higher education. This excludes any educational organization used principally for sectarian instruction, as a place of religious teaching or worship, or for any religious denomination for the training of ministers, rabbis, or other professional persons in the field of religion.

"Public Institution of Higher Education" - An Illinois public university or Illinois community college.

"Purchaser" - Any person that has contracted to make payments under an Illinois prepaid tuition contract in accordance with State and federal laws.

"Qualified Beneficiary" - An individual designated as the recipient of the benefits of a prepaid tuition contract, provided he/she: has been

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

a resident of this State for at least 12 months prior to the date of the application; or is a nonresident, so long as the purchaser has been a resident of the State for at least 12 months prior to the date of the application; or is less than one year of age and whose parent or legal guardian has been a resident of the State for at least 12 months prior to the date of the application ~~is--a--relative--of--an Illinois-resident.~~

"Registration Fees" - The charges derived by combining tuition and mandatory fees.

(Source: Amended at 24 Ill. Reg. 9154 effective July 1, 2000)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Special Education Teacher Tuition Waiver (SETTW) Program
- 2) Code Citation: 23 Ill. Adm. Code 2765
- 3) Section Numbers: Adopted Action:
2765.20
Amendment
2765.30
- 4) Statutory Authority: Implementing Section 65.15 of the Higher Education Student Assistance Act [110 ILCS 947/65.15] and authorized by Sections 20(f) and 65.15(a)(2) of the Higher Education Student Assistance Act.
- 5) Effective Date of Amendments: July 1, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 28, 2000, 24 Ill. Reg. 1518
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposed and final version: The only changes made were technical in nature.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter? Yes
- 13) Will these amendments replace an emergency amendments currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC adopted the following substantive amendments:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

A number of amendments are being made to incorporate changes contained in Public Act 91-496. Section 2765.20(a)(3) has been amended to more clearly distinguish between the three categories of students eligible to receive assistance under this Part.

In connection with ISAC's reengineering efforts, changes are being incorporated to reflect both legislative action and operational improvements which have been designed to achieve a greater level of standardization among our programs. In Section 2765.30(a), Program Procedures, the application deadline date has been changed from February 15 to March 1. The processing timetable for each of ISAC's three teacher scholarship programs - Minority Teachers of Illinois (MTI) Scholarship Program, David A. DeBolt Teacher Shortage Scholarship (DTSS) Program, and Illinois Special Education Teacher Tuition Waiver (SETTW) Program - has now been standardized, making for a simpler application process for students and more efficient program administration for ISAC.

Section 2765.30, Program Procedures, has also been modified to reflect additional changes due to P.A. 91-496. Section 2765.30(d) has been modified and (e) deleted to reflect that Regional Superintendents are no longer involved in the certification of eligibility of SETRW applicants. This responsibility will now rest with high school principals. A number of additional statutory changes have also been incorporated throughout the subsequent portions of Section 2765.30 to conform the terms and conditions of the Teaching Agreement/Promissory Note to those of the other teacher scholarship programs. Among the specific items addressed are the conditions under which the period for fulfillment of the teaching requirement may be extended, as well as those conditions which may also extend the repayment period if the waiver converts to a loan.

16) Information and questions regarding these adopted amendments shall be directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: tbreyer@isac.org

The full text of the adopted amendments begins on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2765

ILLINOIS SPECIAL EDUCATION TEACHER TUITION WAIVER (SETTW) PROGRAM

Section	Summary and Purpose
2765.10	Applicant Eligibility
2765.20	Program Procedures
2765.30	Institutional Procedures

AUTHORITY: Implementing Section 65.15 and authorized by Sections 20(f) and 65.15(a)(2) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.15].

SOURCE: Adopted at 19 Ill. Reg. 8354, effective July 1, 1995; amended at 20 Ill. Reg. 9194, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11129, effective July 18, 1997; amended at 22 Ill. Reg. 11107, effective July 1, 1998; amended at 24 Ill. Reg. 9159, effective July 1, 2000.

Section 2765.20 Applicant Eligibility

a) A qualified applicant shall be:

- 1) a United States citizen or an eligible noncitizen;
- 2) a resident of Illinois;
- 3) a graduate of an Illinois approved high school who ranked in the upper half of his or her high school graduating class; for a student scheduled to graduate from an Illinois high school by the end of the school term in which the award is made; who ranks in the upper half of his or her high school graduating class at the end of the seventh semester; or be a person holding a valid teaching certificate that is not in the discipline of Special Education;
- 4) enrolled, or accepted for enrollment, as an undergraduate or graduate student seeking initial certification in any area of Special Education;
- 5) attending, or planning to attend, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Southern Illinois University (Carbondale), Southern Illinois University (Edwardsville), University of Illinois (Chicago), University of Illinois (Springfield), University of Illinois (Urbana) or Western Illinois University; and
- 6) a potential new recipient in that s/he shall have not received

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

3) ISAC shall select recipients, who do not hold valid teaching certificates, from among qualified applicants based on the highest ACT or SAT I test scores as converted according to the Illinois Standard Test Score table (see 23 Ill. Adm. Code 2760.30(b)(1) and (2)).

4) A lottery will be used to determine recipients if the number of qualified applicants sharing the same Illinois Standard Test Score exceeds the number of tuition waivers to be awarded.

f) Notice of eligibility will be sent by July 1 to each qualified applicant who is selected to receive a tuition waiver. The qualified applicant is then responsible for providing a copy of the notice of eligibility to the institution. All other qualified applicants will be notified that they were not selected.

g) Tuition waivers are applicable towards credit for any semester/quarter within an academic year.

h) A recipient shall be exempt from paying tuition and matriculation, graduation, activity, term or incidental fees for up to four calendar years.

i) Prior to receiving assistance, the qualified applicant must sign a Teaching Agreement/Promissory Note, which must be submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following stipulations:

1) the recipient pledges to teach, on a full-time basis, in the field of Special Education, for two of the five years immediately following graduation or termination of enrollment, in any recognized public, private or parochial school in Illinois;

2) if the teaching requirement is not fulfilled, the tuition waiver converts to a loan and the recipient must repay the entire amount of the tuition waiver (prorated according to the fraction of the teaching obligation not completed), plus interest at a rate equal to 5% per annum; and

3) the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.).

j) The five-year time period during which the teaching requirement must be fulfilled may be extended if the recipient:

1) serves, for not more than three years, as a member of the United States Armed Forces; or

2) is enrolled full-time in an academic program related to the field of teaching, leading to a graduate or postgraduate degree;

3) is temporarily totally disabled for a period of time not to exceed three years, as established by the sworn affidavit of a qualified physician;

4) is actively seeking but unable to find full-time employment as a teacher at an Illinois public, private, or parochial school for one continuous period not to exceed two years, and is able to provide evidence of that fact; or

5) is taking additional courses, on at least a half-time basis.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

the Illinois Special Education Teacher Tuition Waiver in the past.

b) In any academic year in which the qualified applicant accepts or receives financial assistance through the Paul Douglas Teacher Scholarship (23 Ill. Adm. Code 2762), the Minority Teachers of Illinois Scholarship (23 Ill. Adm. Code 2763) or the DeBoolt Teacher Shortage Scholarship (23 Ill. Adm. Code 2764), s/he shall not be eligible for an Illinois Special Education Teacher Tuition Waiver.

(Source: Amended at 24 Ill. Reg. 9159 effective 10/1/2000)

Section 2765.30 Program Procedures

a) A completed ISAC application for the Illinois SETTW Program must be postmarked ~~received in ISAC's Deerfield office~~ on or before the ~~March 1~~ February 15 immediately preceding the academic year for which the tuition waiver is being requested, in order to receive priority consideration for an award.

b) ISAC applications for the Illinois SETTW program are available from eligible institutions; the offices of Regional Superintendents of Education in Illinois; State legislative and federal Congressional offices; and ISAC's Springfield, Deerfield and Chicago offices.

c) If the student section of an application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will be considered for processing as of the date when the student section is complete and received in ISAC's Deerfield office.

d) Before ~~on or before~~ March 1 of each year, ~~ISAC, on behalf of~~ principals of public, private and parochial high schools in Illinois will provide the ~~regional superintendents of each county with a roster~~ of the names of all students in their high school county who are anticipated to be qualified applicants.

e) ~~On or before May 15 of each year, the regional superintendents shall certify the eligibility of qualified applicants on a roster that shall be returned to ISAC.~~

f) ISAC shall award 250 Illinois Special Education Teacher Tuition Waivers annually as follows:

1) A maximum of 40 tuition waivers may be awarded annually to qualified applicants who hold valid teaching certificates that are not in the discipline of Special Education. If more than 40 applicants qualify under these provisions, a lottery shall be used to select 40 recipients;

2) A minimum of 210 tuition waivers shall be awarded annually to high school graduates (or students scheduled to graduate) who rank in the upper half of their class. Any of the 40 tuition waivers not awarded pursuant to subsection d) of this Section shall be awarded to this group;

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

k)†† A recipient may be granted a leave of absence by the president of the institution, or his/her designee, for the following reasons:

- 1) earning funds to defray the recipient's educational expenses;
- 2) illness of the recipient or a member of the recipient's immediate family, as established by the sworn statement of a licensed physician; or
- 3) military service.

l)†† A recipient must complete his or her course of study within six years including leave(s) of absence. A recipient must remain enrolled on a continuous basis during the regular school year for four years, unless granted a leave of absence. However, a leave of absence granted for military service shall not be considered part of the six years within which a recipient must complete a degree.

m)†† A recipient shall enter repayment status on the earliest of the following dates:

- 1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to initial certification as a teacher in Special Education, but not until six months have elapsed after the cessation of at least half-time enrollment in such a course of study;
- 2) the date the recipient informs ISAC that s/he does not plan to fulfill the teaching obligation; or
- 3) the latest date upon which the recipient must have begun teaching in order to complete the teaching obligation within five years after completing the postsecondary education for which the waiver was awarded.

n)†† If a recipient is required to repay any portion of the tuition waiver, the repayment period shall be completed within five years after the tuition waiver converts to a loan. The five-year period may be extended if the recipient:

- 1) serves, for not more than three ~~four~~ years, as a member of the United States Armed Forces;
- 2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
- 3) is pursuing a graduate or postgraduate degree and is enrolled on a full-time basis for one continuous period of time not to exceed three years;

4) is ~~actively~~ seeking and unable to find; ~~for not more than two years~~ full-time employment for one continuous period not to exceed two years and is able to provide evidence of that fact as a ~~Special-Education-teacher~~ or

5) withdraws from a course of study leading to a teacher certification in Special Education but remains enrolled on a full-time basis in another academic discipline.

o)†† During the time a recipient qualifies for any of the extensions listed in subsection (n)†† of this Section, s/he shall not be required to make payments and interest shall not continue to accrue.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

p)†† A recipient shall not be required to pay the amount of the tuition and fees waived if s/he becomes permanently totally disabled, as established by the sworn affidavit of a licensed physician (see, e.g., 34 CFR 653.42(k)(1)); or if his or her representative provides ISAC with a death certificate or other evidence that the recipient has died.

q)†† A recipient must be enrolled in a special education program within ten days after the beginning of the term for which the tuition waiver was initially awarded. If the recipient fails to comply with this requirement, s/he will forfeit the tuition waiver and ISAC will award it to another qualified applicant.

(Source: Amended at 24 Ill. Reg. 9150 effective 11/1/2000)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Illinois Veteran Grant (IVG) Program

2) Code Citation: 23 Ill. Adm. Code 2733

3) Section Numbers: Adopted Action:
2733.30 Amendment

4) Statutory Authority: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].

5) Effective Date of Amendments: July 1, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: January 28, 2000, 24 Ill. Reg. 1525

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposed and final version: In addition to a number of technical changes, one substantive change was made in response to a suggestion from JCAR staff. The proposed change to section 2733.20 (1) was withdrawn, since it created an ambiguity as to who bears primary responsibility for supplying the required documentation.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

this Part, ISAC adopted the following substantive amendments:

Section 2733.30(b), under Program Procedures, has been amended to incorporate a statutory change contained in Public Act 91-496. Previously, a qualified applicant was required to notify an institution of his/her eligibility to receive benefits under this program within three months following the last scheduled day of classes for the term for which benefits are requested. The legislation changed this time frame from three months to two months.

16) Information and questions regarding these adopted amendments shall be directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015
(847) 948-8500
email: tbreyer@isac.org

The full text of the adopted amendments begins on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2733
ILLINOIS VETERAN GRANT (IVG) PROGRAM

Section	Summary and Purpose
2733.10	Applicant Eligibility
2733.20	Program Procedures
2733.40	Institutional Procedures

AUTHORITY: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [10 ILCS 947/40 and 20(f)].

SOURCE: Emergency rule adopted at 10 Ill. Reg. 14322, effective August 20, 1986 for a maximum of 150 days; emergency expired January 16, 1987; adopted at 11 Ill. Reg. 3207, effective January 29, 1987; amended at 12 Ill. Reg. 11536, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1733 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2733 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17858; amended at 14 Ill. Reg. 10571, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 15613, effective October 11, 1991, for a maximum of 150 days; emergency expired March 9, 1992; emergency amendment at 15 Ill. Reg. 18778, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 6880, effective April 14, 1992; amended at 16 Ill. Reg. 11263, effective July 1, 1992; amended at 17 Ill. Reg. 10570, effective July 1, 1993; amended at 18 Ill. Reg. 10309, effective July 1, 1994; amended at 20 Ill. Reg. 9200, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11139, effective July 18, 1997; amended at 22 Ill. Reg. 11114, effective July 1, 1998; ~~amended at 23 Ill. Reg. 7575, effective July 1, 1999; amended at 24 Ill. Reg. 9166, effective 7/1/2000.~~

Section 2733.30 Program Procedures

- An applicant must apply to ISAC for assistance under this Part. ISAC will issue a Notice of Eligibility to each qualified applicant.
- To receive an Illinois Veteran Grant, a qualified applicant must notify the institution of his or her eligibility within two three months following the last scheduled day of classes for the term for which a grant is requested.
- Benefits are applicable to both undergraduate and graduate enrollment. There are no minimum credit hour enrollment requirements and benefits are applicable for noncredit courses.
- Benefits may be used to enroll at Illinois public universities and Illinois public community colleges.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

e) Fees exempted by the IVG:

- The recipient is exempt from paying most fees, including:
 - tuition and other instructional fees;
 - activity, air flight instructor and athletic fees;
 - matriculation, service and other registration-type fees;
 - off-campus and other extension course fees;
 - application fees;
 - graduation and transcript fees;
 - proficiency exam, College Level Exam Program (CLEP), placement exam and similar fees; and
 - health insurance fees.
- The recipient is responsible for payment of the following fees:
 - book rental fees;
 - laboratory and supply fees;
 - student union fees; and
 - fees for the operation, maintenance or rental of any building, facility or equipment.
- Recipients attending out-of-district community colleges receive tuition and fee benefits equivalent to those at the in-district rate. Recipients shall not be responsible for paying the difference between in-district and out-of-district tuition.
- Benefits are limited to the equivalent of four academic years of full-time enrollment, which is measured in eligibility units. Recipients may accumulate up to 120 eligibility units.
 - To determine the amount of eligibility a recipient has used, credit hours (and noncredit hours for which benefits are used) will be converted to eligibility units according to the following table:

Number of Hours	Semester Term	Quarter Term
12 or more hours	12 units	8 units
9 - 11.99 hours	9 units	6 units
6 - 8.99 hours	6 units	4 units
3 - 5.99 hours	3 units	2 units
up to 2.99 hours	1 unit	1 unit

- Full program benefits may be extended for one additional term if the recipient has accumulated fewer than 120 eligibility units but does not have enough units remaining for the number of hours in which s/he is enrolled for the term.
- In the event that a recipient withdraws from a course(s) prior to the end of a term, eligibility units will be assessed in proportion with the total dollars that are paid. If the recipient has had any portion of his/her tuition and fees paid, at least one eligibility unit will be charged to the recipient.

Example: A recipient is enrolled for twelve semester hours at a cost of \$600. The recipient withdraws from enrollment

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

and incurs expenses of \$300 in accordance with the institution's tuition refund policy. The recipient would use six eligibility units and would receive \$300 in benefits.

- 4) The eligibility units used for a noncredit course shall be the same as the number of eligibility units used for a credit course having the same number of faculty contact hours.

(Source: Amended at 24 Ill. Reg. 3166, effective 11/1/2000)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Information Requests

- 2) Code Citation: 2 Ill. Adm. Code 5376

- 3) Section numbers: Adopted Action:
APPENDIX A Amendment

- 4) Statutory Authority: Implementing the Freedom of Information Act [5 ILCS 140] and Section 5-15(a) of the Administrative Procedure Act [5 ILCS 100/5-15(a)], and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

- 5) Effective Date of Amendment: July 1, 2000

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? No

- 8) A copy of these adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: Not applicable. In accordance with Section 5-15(b) of the Illinois Administrative Procedure Act [5 ILCS 100/5-15(b)], there is no public comment period and ISAC can amend its internal rules by filing a certified copy with the Secretary of State.

- 10) Has JCAR issued a Statement of Objections to this rulemaking? Not applicable. There is no JCAR review of these rules, which govern the internal workings of this agency.

- 11) Differences between proposed and final version: Not applicable for the reasons stated in number 9, above.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Not applicable for the reasons stated in number 9, above.

- 13) Will these amendments replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendments: ISAC has updated the fee schedule contained in APPENDIX A.

- 16) Information and questions regarding these adopted rules amendments shall be directed to:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015
847/948-8500
email: tbreyer@isac.org

The full text of the adopted amendments begins on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE F: EDUCATIONAL AGENCIES
CHAPTER XIV: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 5376
INFORMATION REQUESTS

SUBPART A: INTRODUCTION

Section
5376.10
5376.20

Summary and Purpose
Definitions

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section
5376.110
5376.120

Person to Whom Requests are Submitted
Form and Content of Requests

SUBPART C: PROCEDURES FOR RESPONSE TO REQUESTS
FOR PUBLIC RECORDS

Section
5376.210
5376.220

Time Line for Response
Types of Responses

SUBPART D: APPEAL PROCEDURES

Section
5376.310
5376.320

Appeal of Denial
Executive Director's Response to Appeal

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS

Section
5376.410
5376.420
5376.430

Inspection of Records
Copies of Public Records
General Materials Available from ISAC

APPENDIX A Fee Schedule

AUTHORITY: Implementing the Freedom of Information Act [5 ILCS 140] and Section 5-15(a) of the Administrative Procedure Act [5 ILCS 100/5-15(a)], and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 8 Ill. Reg. 19069, effective September 26, 1984; transferred from Chapter XII, 2 Ill. Adm. Code 52/6 (State Scholarship

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Commission) to Chapter XIV, 2 Ill. Adm. Code 5376 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17859; amended at 19 Ill. Reg. 11375, effective August 1, 1995; amended at 24 Ill. Reg. 9171-2, effective July 1, 2000.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Section 5376. APPENDIX A Fee Schedule

a) Type of Duplication

	<u>Per-Copy-Charge</u>
Paper copy from paper original (per copy)	\$.25
(possibly different charges for different sizes)	
Paper copy from microimaged original (per copy)	\$.25
(possibly different charges for different sizes)	
Paper copy from microfilm of microfiche original (per copy) (possibly different charges for different sizes)	\$.50

b) Data Retrieval from Mainframe Computer Systems

	<u>Per-hour-charge</u>
Computer programming time (per hour)	\$150.0025-00
Computer processing time (per actual CPU minute)	\$ 20.0017925-00

c) Data Production Media Cost

CD-ROM (each)	\$ 100.00
Diskette (each)	\$ 15.00
Electronic	No Charge

(Source: Amended at 24 Ill. Reg. 9171-2, effective July 1, 2000)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Merit Recognition Scholarship (MRS) Program
- 2) Code Citation: 23 Ill. Adm. Code 2761
- 3) Section Numbers: Adopted Action:
2761.20 Amendment
2761.30
- 4) Statutory Authority: Implementing Section 30 and authorized by Section 30(h) of the Higher Education Student Assistance Act [110 ILCS 947/30 and 30(h)].
- 5) Effective Date of Amendments: July 1, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 28, 2000, 24 Ill. Reg. 1532
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposed and final version: The only changes made were technical in nature.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter? Yes
- 13) Will these amendments replace an emergency amendments currently in effect?
No
- 14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC adopted the following substantive amendments:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Section 2761.20, Applicant Eligibility, has been rewritten to incorporate statutory changes contained in Public Act 91-128, which revised the selection criteria for this program. All qualified applicants, whether attending an approved Illinois high school or one not recognized by the State Board of Education, may now qualify for eligibility either through achieving a cumulative high school grade point average (GPA) at or above the 95th percentile of his/her high school class, or by scoring in the 95th percentile of students in the State taking either the ACT or SAT standardized college entrance examination. Previously, the eligibility criteria for students differed based on the type of high school they attended. In addition, the time frame for measurement of GPA has been moved from the end of the seventh semester to the end of the sixth semester, in order to standardize the processing timetable for all three merit-based programs. Eligibility data for ISAC's three merit programs - Robert C. Byrd Honors Scholarship Program, State Scholar Program, and Merit Recognition Scholarship Program, are now collected from high schools simultaneously, resulting in considerably reduced administrative burden on the schools.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: tbreyer@isac.org

The full text of the adopted amendments begins on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2761

MERIT RECOGNITION SCHOLARSHIP (MRS) PROGRAM

Section	Summary and Purpose
2761.10	Applicant Eligibility
2761.20	Program Procedures
2761.30	Institutional Procedures
2761.40	

AUTHORITY: Implementing Section 30 and authorized by Section 30(h) of the Higher Education Student Assistance Act [110 ILCS 947/30 and 30(h)].

SOURCE: Adopted at 9 Ill. Reg. 10277, effective July 5, 1985; amended at 9 Ill. Reg. 20849, effective January 1, 1986; amended at 11 Ill. Reg. 3220, effective January 29, 1987; amended at 11 Ill. Reg. 14127, effective August 10, 1987; amended at 12 Ill. Reg. 11543, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1761 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2761 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17863; amended at 14 Ill. Reg. 10578, effective July 1, 1990; amended at 16 Ill. Reg. 11290, effective July 1, 1992; amended at 17 Ill. Reg. 10579, effective July 1, 1993; amended at 18 Ill. Reg. 10318, effective July 1, 1994; amended at 20 Ill. Reg. 9215, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11166, effective July 18, 1997; amended at 22 Ill. Reg. 11135, effective July 1, 1998; amended at 23 Ill. Reg. 7587, effective July 1, 1999; amended at 24 Ill. Reg. 9176, effective July 1, 2000.

Section 2761.20 Applicant Eligibility

- a) A qualified applicant attending an approved high school located in Illinois shall be:
- 1) be due to graduate from an Illinois high school by the end of the academic year; 80% complete with the high school's program of instruction;
 - 2) have at or above the 95th percentile of his or her high school class average earned a seventh semester cumulative high school grade point average at or above the 95th percentile of his or her high school class by the end of the third semester prior to graduation from high school (normally the sixth semester), or have achieved a score on the ACT Assessment examination or SAT I: Reasoning Test, taken during the third or fourth semester prior to graduation, which is at or above the 95th percentile of students in the State who have taken the test during that same time period.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- A) A student may take either or both examinations during the designated period.
- B) All scores from such tests taken during the designated period must be submitted to ISAC.
- C) If a student submits scores from multiple examinations taken during the designated period, ISAC will use the highest score.
- D) When a student submits scores to ISAC, the student must report his or her academic level at the time the test was taken.
- E) ISAC will accept supplementary score reports of tests taken during the designated period upon the student's authorization to the test service. Such authorization by the student must be received by ISAC before August 1.
- F) Students who, for any reason, are unable to take a test on a regular testing date should make special arrangements to be tested in accordance with the procedures of the testing service. Any such special arrangements must take into account the test score submission deadlines.
- 3) be in good academic standing a person of good moral character;
 - 4) be a resident of Illinois;
 - 5) be a United States citizen or permanent resident of the United States; and
 - 6) enroll enrolled or accepted for enrollment, on at least a half-time basis, at an institution of higher learning or service academy as an undergraduate student or cadet.
- b) A qualified applicant attending a high school located in Illinois other than an approved high school shall be:
- 1) 80% complete with the high school's program of instruction and in attendance at the end of the seventh semester;
 - 2) a student whose Illinois Standard Test Score is at least seven points above the statewide average test score as determined annually by the Illinois State Board of Education for tests taken during the time frame designated for the State Scholar Program (see 23 Ill. Adm. Code 2760/20(b));
 - 3) a person of good moral character;
 - 4) a resident of Illinois;
 - 5) a United States citizen or permanent resident of the United States; and
 - 6) enrolled or accepted for enrollment on at least a half-time basis at an institution of higher learning or service academy as an undergraduate student or cadet.
- b)c) A qualified applicant shall not have already received a baccalaureate degree.
- d) For the purposes of this Section, seventh semester means the period of instruction when a student has completed 80% of the high school's program of instruction; the seventh semester usually will be the student's next-to-last term.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 24 Ill. Reg. 9176, effective July 1, 2000)

Section 2761.30 Program Procedures

a) By February of every year, participating high schools in Illinois shall certify to the Illinois Student Assistance Commission (ISAC) the names of students who are qualified applicants.

1) The certification of names shall be submitted in a format approved on-forms-provided by ISAC. Certifications submitted by participating high schools shall be subject to audit by ISAC.

2) ISAC shall then promptly notify those qualified applicants who are reasonably assured of receiving MRS awards in accordance with annual funding levels recommended in the Governor's Budget.

b) Qualified applicants shall be sent an MRS application which must be completed by the student and the postsecondary institution attended by the applicant. A complete application must be received by ISAC within one year after and including the date of high school graduation but absolutely no later than June 15 of the academic year immediately following graduation from the approved Illinois high school. Should the recipient transfer to a different institution after submission of the application, the enrollment transfer must be reported to ISAC in order to receive scholarship payments.

c) ISAC shall disburse scholarship funds in two installments based on the terms financed by the scholarship. Scholarship funds may be used to finance expenses for a summer term.

d) Funds shall be remitted to institutions on behalf of the recipients. Scholarship funds are applicable to two semesters or three quarter terms and must be used for educational expenses, including, but not limited to, tuition and fees, room and board, books and supplies, required service academy uniforms, and travel and personal expenses related to the recipient's enrollment.

f) Should the recipient withdraw from enrollment during the first term financed by the scholarship, the recipient shall return to ISAC the full amount of the award.

(Source: Amended at 24 Ill. Reg. 9176, effective July 1, 2000)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

1) Headings of the Part: Minority Teachers Of Illinois (MTI) Scholarship Program

2) Code Citation: 23 Ill. Adm. Code 2763

3) Section Numbers: 2763.30
Adopted Action: Amendment

4) Statutory Authority: Implementing Section 50 and authorized by Section 20(f) of the Higher Education Student Assistance Act [10 ILCS 947/50 and 20(f)].

5) Effective Date of Amendments: July 1, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: January 28, 2000, 24 Ill. Reg. 1537

10) Has JCRC issued a Statement of Objection to these amendments? No

11) Differences between proposed and final version: The only changes made were technical in nature.

12) Have all the changes agreed upon by the agency and JCRC been made as indicated in the agreement letter issued by JCRC? Yes

13) Will these amendments replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC adopted the following substantive amendments:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

In connection with ISAC's reengineering efforts, changes are being incorporated to reflect both legislative action and operational improvements which have been designed to achieve a greater level of standardization among our programs. In Section 2763.30(a), Program Procedures, the application deadline date has been changed from May 1 to March 1. The processing timetable for each of ISAC's three teacher scholarship programs - Minority Teachers of Illinois (MTI) Scholarship Program, David A. DeBolt Teacher Shortage Scholarship (DTSS) Program, and Illinois Special Education Teacher Tuition Waiver (SETTW) Program - has now been standardized, making for a simpler application process for students and more efficient program administration for ISAC.

Public Act 91-670 also standardized many of the terms and conditions of the teacher scholarship programs. As a result, the required time frame for completion of the teaching obligation, as referenced in Sections 2763.30(h)(2), 2763.30(i), and 2763.30(l)(3) has now been conformed to five years. Also, the interest rate set forth in Section 2763.30(h)(4), in the event the teaching requirement is not fulfilled and the scholarship converts to a loan, has also been conformed to five percent.

16) Information and questions regarding these adopted amendments shall be directed to:

Thomas A. Breyer
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: tbreyer@isac.org

The full text of the adopted amendments begins on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2763

MINORITY TEACHERS OF ILLINOIS (MTI) SCHOLARSHIP PROGRAM

Section
2763.10 Summary and Purpose
2763.20 Applicant Eligibility
2763.30 Program Procedures
2763.40 Institutional Procedures

AUTHORITY: Implementing Section 50 and authorized by Section 20(f) of the Higher Education Student Assistance Act [10 ILCS 947/50 and 20(f)].

SOURCE: Emergency rules adopted at 15 Ill. Reg. 15621, effective October 11, 1991, for a maximum of 150 days; emergency expired on March 9, 1992; adopted at 16 Ill. Reg. 7048, effective April 21, 1992; emergency amendments adopted at 16 Ill. Reg. 16326, effective September 28, 1992, for a maximum of 150 days; emergency expired on February 25, 1993; emergency amendment at 17 Ill. Reg. 175, effective January 1, 1993, for a maximum of 150 days; emergency expired on May 29, 1993; amended at 17 Ill. Reg. 10585, effective July 1, 1993; amended at 18 Ill. Reg. 10325, effective July 1, 1994; amended at 19 Ill. Reg. 8361, effective July 1, 1995; amended at 20 Ill. Reg. 9221, effective July 1, 1996; Old Par repealed and New Par adopted at 21 Ill. Reg. 11174, effective July 18, 1997; amended at 22 Ill. Reg. 11141, effective July 1, 1998; amended at 24 Ill. Reg. 9181, effective 11/1/2000.

Section 2763.30 Program Procedures

- a) A completed ISAC application for the MTI Scholarship Program must be postmarked on or before March 1 received-in-ISAC's Deerfield office on or before the May 1 immediately preceding the regular school year for which the scholarship is being requested, in order to receive priority consideration for an award.
- 1) Applications are available from qualified institutions of higher learning, State legislative and Congressional offices, and ISAC's Springfield, Deerfield and Chicago offices.
 - 2) ISAC will mail renewal applications to all qualified students who received MTI Scholarships during the preceding regular school year.
 - 3) If the application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will only be considered for processing as of the date when the application is complete and received at ISAC's Deerfield office.
- b) At least 30 percent of the funds appropriated for scholarships awarded

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

under this Section in each fiscal year shall be reserved for male qualified applicants.

- c) Notwithstanding the provisions of subsection (b) of this Section, awards will be made first to renewing applicants.
- d) No recipient may receive more than 8 semesters/12 quarters of scholarship assistance under this program.
- e) Scholarship funds are applicable towards up to two semesters/three quarters of full-time study within a regular school year.
- f) The total number of scholarships awarded in a given fiscal year is contingent upon available funding. If appropriated funds are insufficient to provide all qualified applicants with a scholarship, available funds shall be allocated in accordance with subsections (b) and (c) of this Section and on the basis of the dates that the completed applications are received in ISAC's Deedfield office.
- g) Qualified applicants may be required to furnish the postsecondary institution at which they are enrolled with a copy of their high school transcripts, any other documentation verifying high school graduation, or a copy of their GED certificates.
- h) Prior to receiving scholarship assistance under this Part, the qualified applicant must sign a Teaching Agreement/Promissory Note that is submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following stipulations:
 - 1) the recipient pledges to teach, on a full-time equivalent basis, for one year for each year of scholarship aid received, or for any portion of a year for which aid was received, under this Part;
 - 2) the teaching requirement will be fulfilled within the five-year ten-year period following the completion of the undergraduate program for which the recipient received assistance under this Part;
 - 3) the teaching requirement will be fulfilled at a non-profit Illinois public, private or parochial preschool, elementary school or secondary school at which no less than 30 percent of the enrolled students are minority students, as certified by the Illinois State Board of Education (ISBE);
 - 4) if the teaching requirement is not fulfilled, the scholarship converts to a loan and the recipient must repay the entire amount of the scholarship(s) prorated according to the fraction of the teaching obligation not completed, plus interest at a rate of interest equal to five percent no-greater-than-the-highest-rate applicable-to-student-loans--under--FFBEP and, if applicable, reasonable collection fees;
 - 5) the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.); and
 - 6) the recipient promises to use the proceeds of the scholarship for educational expenses.
- i) The five-year ten-year time period during which the teaching

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

requirement must be fulfilled may be extended if the recipient:

- 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is enrolled on a full-time basis as a graduate student in a course of study related to the field of teaching at an institution of higher learning;
 - 3) is temporarily totally disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
 - 4) is actively seeking but unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection (h)(3) of this Section for one continuous period not to exceed two years, and is able to provide evidence of that fact; or
 - 5) is taking additional courses, on at least a half-time basis, needed to obtain certification as a teacher in Illinois.
- j) If a recipient is required to repay any portion of the scholarship, the repayment period shall be completed within ten years after the scholarship converts to a loan. This ten-year period may be extended if the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
 - 3) is seeking and unable to find full-time employment, for one continuous period not to exceed two years, and is able to provide evidence of that fact; or
 - 4) withdraws from a course of study leading to certification as a teacher but is enrolled full-time in another academic discipline.
- k) During the time a recipient qualifies for any of the extensions listed in subsection (j) of this Section, s/he shall not be required to make payments and interest shall not accrue.
- 1) A recipient shall enter repayment status on the earliest of the following dates:
 - 1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to certification as a teacher at the preschool, elementary or secondary level, but not before six months have elapsed after the cessation of full-time enrollment in such a course of study;
 - 2) the date the recipient informs ISAC that s/he does not plan to fulfill the teaching obligation; or
 - 3) the latest date upon which the recipient must have begun teaching in order to complete the teaching obligation within five ten years after completing the postsecondary education for which the scholarship was awarded.
 - m) A recipient shall not be required to repay the amount of the scholarship(s) received if s/he becomes permanently totally disabled as established by the sworn affidavit of a qualified physician (see, e.g., 34 CFR 653.42(k)(1)), or if his or her representative provides

ILLINOIS STUDENT ASSISTANCE COMMISSION

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

ISAC with a death certificate or other evidence that the recipient has died.

(Source: Amended at 24 Ill. Reg. 9181 effective
10/1/2000)

1) Heading of the Part: Monetary Award Program (MAP)

2) Code Citation: 23 Ill. Adm. Code 2735

3) Section Numbers: Adopted Action:
2735.20 Amendment
2735.30 Amendment
2735.40 Amendment

4) Statutory Authority: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act (110 ILCS 947/35 and 20(f)).

5) Effective Date of Amendments: July 1, 2000

6) this rulemaking contain an automatic repeal date? No

7) this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: January 28, 2000, 24 Ill. Reg.1543

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposed and final version: The only changes made were technical in nature.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter? Yes

13) Will these amendments replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC adopted the following substantive amendments:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

A new Section 2735.20(e) has been added under Applicant Eligibility to reflect statutory changes contained in Public Act 91-250, which permit ISAC to make awards under this Part to students enrolled during summer terms or those enrolled on a less than half-time basis. This change is also reflected in General Provisions, Section 2700.40(g).

In Section 2735.30, Program Procedures, a number of changes have been made to language describing the priority consideration dates and priority processing guidelines. The date by which applications must be received from continuing students in order for them to be considered for full year MAP awards has been extended from June 30 to July 15. While previously the Commission has been able to extend this date on an ad hoc basis, it would like to make this change permanent in order to provide students and families with more certain information earlier in order to facilitate their college planning decisions. In Section 2735.30(d)(1)(C), eligibility for second semester or second and third quarter awards is now extended to continuing students applying on or after October 1, who previously were not eligible. Again, while previously the Commission has been able to extend this eligibility on an ad hoc basis, it has now made this change permanent.

In Section 2735.30(p), the prohibition on the use of MAP for correspondence courses has been removed, in recognition of the increased utilization of distance education. It is important to note, however, that the usage permitted is limited to students in eligible degree or certificate programs at MAP-eligible institutions only. Correspondence schools, which offer course work primarily through this means, are not eligible institutions under either federal or State financial aid programs, and therefore their students still remain ineligible for MAP. This change parallels the eligibility provisions for federal student aid programs.

In Section 2735.40(1)(3), the prohibition on institutions submitting payment requests before the end of the second week of classes is removed, and schools are now being permitted to submit requests beginning ten days prior to the start of classes for the term for which they are requesting payment. This time frame now parallels the requirements for federal student aid programs, and is expected to facilitate the timely delivery of funds to needy students.

- 16) Information and questions regarding these adopted amendments shall be directed to:
 Thomas A. Breyer (847) 948-8500
 Illinois Student Assistance Commission
 1755 Lake Cook Road
 Deerfield, IL 60015
 email: tbreyer@isac.org

The full text of the adopted amendments begins on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Public Information, Rulemaking And Organization
- 2) Code Citation: 2 Ill. Adm. Code 5375
- 3) Section numbers: Adopted Action:
5375.220 Amendment
APPENDIX A
- 4) Statutory Authority: Implementing Section 5-15(a) of the Illinois Administrative Procedure Act [5 ILCS 100/5-15(a)] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- 5) Effective Date of Amendment: July 1, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of these adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: Not applicable. In accordance with Section 5-15(b) of the Illinois Administrative Procedure Act [5 ILCS 100/5-15(b)], there is no public comment period and ISAC can amend its internal rules by filing a certified copy with the Secretary of State.
- 10) Has JCAR issued a Statement of Objections to this rulemaking? Not applicable. There is no JCAR review of these rules, which govern the internal workings of this agency.
- 11) Differences between proposed and final version: Not applicable for the reasons stated in number 9, above.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Not applicable for the reasons stated in number 9, above.
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These rules have been updated to reflect changes made to the internal organization of this agency.
- 16) Information and questions regarding these adopted rules amendments shall

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

be directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015
847/948-8500
email: tbreyer@isac.org

The full text of the adopted amendments begins on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE F: EDUCATIONAL AGENCIES
CHAPTER XIV: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 5375
PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

SUBPART A: PUBLIC INFORMATION

Section
5375.10
Information

SUBPART B: RULEMAKING

Section
5375.100
Rulemaking Procedures

SUBPART C: ORGANIZATION

Section
5375.210
The Commission
5375.220
Agency Organization
5375.230
Procedures for Public Statements at Commission Meetings

APPENDIX A Organization Chart

AUTHORITY: Implementing Section 5-15(a) of the Illinois Administrative Procedure Act [5 ILCS 100/5-15(a)] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 4 Ill. Reg. 16, p. 118, effective April 17, 1980; amended at 4 Ill. Reg. 34, p. 208, effective August 9, 1980; amended at 6 Ill. Reg. 8413, effective June 30, 1982; rules repealed and new rules adopted at 8 Ill. Reg. 2505, effective February 10, 1984; amended at 8 Ill. Reg. 17022, effective September 5, 1984; amended at 11 Ill. Reg. 17836, effective October 16, 1987; transferred from Chapter XII, 2 Ill. Adm. Code 5275 (State Scholarship Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17867; amended at 16 Ill. Reg. 7497, effective April 22, 1992; amended at 19 Ill. Reg. 11384, effective August 1, 1995; amended at ~~20~~ **18** Ill. Reg. 15073, effective November 15, 1996; amended at 24 Ill. Reg. ~~189~~ **189**, effective July 1, 2000.

SUBPART C: ORGANIZATION

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Section 5375.220 Agency Organization

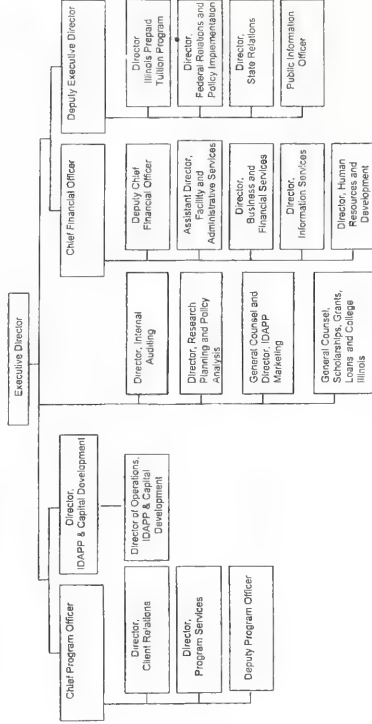
- a) The locations and telephone numbers for ISAC offices are as follows:
- 1) 948-8500; 1755 Lake Cook Road, Deerfield, Illinois 60015-5209, (847)
 - 2) 100 W. Randolph Suite 3-200, Chicago, Illinois 60601-3293, (312) 814-3745; and
 - 3) 500 West Monroe, 3rd floor, Springfield, Illinois 62704-1876, (217) 782-6767.
- b) Agency officers' and directors' offices are located as follows:
- 1) Deerfield - Chief Program Officer; Business and Financial Services; Compliance; Administration; Program Services; Information Services; Capital Development; IDAPP Operations; Deputy Executive Director for External Relations; Facility and Administrative Services; Internal Audit; General Counsel; Scholarships, Grants, Loans, and College Illinois Accounting; and Human Resources and Development;
 - 2) Chicago - General Counsel and Director, IDAPP Marketing; and
 - 3) Springfield - Executive Director; Chief Financial Officer; Deputy Chief Financial Officer; Client Relations; and Federal Relations; State Relations; Research, Planning and Policy Analysis; and Illinois Prepaid Tuition Program Budget and Finance.
- c) ISAC's organizational structure is illustrated on the chart labeled Appendix A, of this Part.
- d) The Commission has delegated to ISAC staff responsibility for the administration of all ISAC programs. See: 23 Ill. Adm. Code: Subtitle A, Chapter XIX. ISAC staff actions and decisions may be appealed to an independent hearing officer are reviewable by the Commission. See: 23 Ill. Adm. Code 2700.70.
- e) The Executive Director and his or her designee have authority to approve expenditures and contracts. The Commission, by resolution, may also delegate signatory authority to other members of the ISAC staff.

(Source: Amended at 24 Ill. Reg. **9189**, effective July 1, 2000)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Section 5375. APPENDIX A Organization Chart



ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 24 Ill. Reg. 9189, effective July 1, 2000)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Robert C. Byrd Honors Scholarship Program
- 2) Code Citation: 23 Ill. Adm. Code 2755
- 3) Section Numbers: 2755.30
Adopted Action:
Amendment
- 4) Statutory Authority: Implementing Section 65.60 of the Higher Education Student Assistance Act [110 ILCS 947/65.60] and Title IV, Part A, Subpart 6 of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070d-31 et seq.) and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- 5) Effective Date of Amendments: July 1, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 28, 2000, 24 Ill. Reg. 1554
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposed and final version: The only changes made were technical in nature.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

this Part, ISAC adopted the following substantive amendments:

In Section 2755.30, Program Procedures, references to "applications" have been replaced with the term "applicant data" to incorporate operational improvements which have taken place in the program as a result of ISAC's reengineering efforts. Eligibility data for ISAC's three merit programs - Robert C. Byrd Honors Scholarship Program, State Scholar Program, and Merit Recognition Scholarship Program, are now collected from high schools simultaneously, resulting in considerably reduced administrative burden on the schools. Eligibility determination for Byrd is now driven by the submission of applicant data from the school, and does not require submission of a separate application by the applicant. Also in Section 2755.30, the deadline date for submission of applicant data has been changed from January 15 to March 1, in order to standardize the processing timetable for all three merit-based programs.

16) Information and questions regarding these adopted amendments shall be directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: tbreyer@isac.org

The full text of the adopted amendments begins on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2755

ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM

Section
2755.10 Summary and Purpose
2755.20 Applicant Eligibility
2755.30 Program Procedures
2755.40 Institutional Procedures
APPENDIX A Geographic Districts

AUTHORITY: Implementing Section 65.60 of the Higher Education Student Assistance Act [110 ILCS 947/65.60] and Title IV, Part A, Subpart 6 of the Higher Education Act of 1965, as amended (20 USC, 1070d-31 et seq.) and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 19 Ill. Reg. 8386, effective July 1, 1995; amended at 20 Ill. Reg. 9244, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11211, effective July 18, 1997; amended at 22 Ill. Reg. 11162, effective July 1, 1998; amended at 24 Ill. Reg. 9195, effective 1/1/2000.

Section 2755.30 Program Procedures

- a) Applicant data ~~A-completed-application~~ for a Robert C. Byrd Honors Scholarship must be received in ISAC's Deerfield office on or before March 1 ~~January-15~~ preceding the academic year for which the scholarship is being requested.
- b) Information on applying ~~Applications~~ for the Robert C. Byrd Honors Scholarship ~~is are~~ available for distribution to students at approved high schools in Illinois and ~~7-offices-of-District-and-Regional Superintendents-of-Education-of-the-State-of-Illinois~~ offices of ISAC in Springfield, Chicago and Deerfield.
- c) If the applicant data ~~are student-section-of-the-application-is~~ incomplete, notification shall be sent to the applicant. The applicant will then have an opportunity to furnish the missing information; however, the applicant ~~application~~ will only be considered ~~for-processing~~ as of the date when the data ~~are~~ student section-is complete and received in ISAC's Deerfield office.
- d) Each year new and renewal Byrd applicants are to certify to ISAC that they meet eligibility requirements.
- e) Recipients must be enrolled on a full-time basis unless granted a postponement, waiver or interruption.
- f) A new recipient may postpone his or her initial enrollment for a

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

maximum of 12 months.

- g) After the first year of full-time study, the recipient may request a waiver of the full-time enrollment requirement due to unusual circumstances for a maximum of 12 months.

1) The request is to be submitted in writing to ISAC and any documentation must also be submitted.

2) The circumstances under which an exception to the full-time enrollment requirement may be granted include:

A) the recipient's employment hours will not permit full-time enrollment;

B) the recipient has medical problems that will not permit full-time enrollment, as established by the sworn statement of a licensed physician;

C) the recipient is in his/her last semester of school and full-time enrollment is not required to complete the degree;

or

D) the care of an immediate family member due to illness or incapacitation will not permit full-time enrollment.

3) In order to receive a waiver of the full-time enrollment requirement, the recipient must be enrolled at least half-time.

h) If the full-time enrollment requirement is waived, the Byrd award is prorated according to the number of hours the recipient is enrolled.

i) After the first year of study, a recipient may interrupt his or her enrollment at an institution for a maximum of 12 continuous months.

1) The request is to be submitted in writing to ISAC and any documentation must also be submitted.

2) The circumstances under which an interruption may be granted include:

A) the recipient's participation in a cooperative education or study abroad program;

B) the recipient is experiencing financial difficulties that will not permit continuous enrollment;

C) the recipient has medical problems that will not permit continuous enrollment; or

D) the recipient has family responsibilities that will not permit continuous enrollment.

j) The scholar is not eligible to receive scholarship funds during the periods of postponement or interruption. The funds that would have been awarded to the scholar during that time period can be awarded to the scholar during a subsequent period of enrollment at an institution as an undergraduate student.

k) A recipient who is subsequently determined to be ineligible shall repay ISAC the total amount of the funds received for the period during which s/he was ineligible.

l) ISAC shall select new recipients from among the timely applicants on the basis of the following criteria:

1) Academic Data. A qualified applicant's score shall be computed

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

as follows:

$[(\text{number in class divided by rank}) \times .05]$
 $+ [(\text{grade point average divided by scale}) \times 100]$
 $+ [(\text{Illinois Standard Test Score} \times 10) = \text{score}]$

A) Rank in class, class size and grade point average (GPA) shall be reported as of the end of the third semester prior to graduation from high school or its equivalent. An institution shall use the same class size and GPA scale in reporting all of its applicants.

B) SAT I or ACT tests, which must be taken during the time frame identified for State Scholar eligibility (see 23 Ill. Adm. Code 2760.20(b)), shall be converted to the Illinois Standard Test Score as described in 23 Ill. Adm. Code 2760.30(b).

C) If more than one score is submitted, the highest score is used.

D) For applicants qualifying by virtue of their GED scores (see Section 2755.20(a)(4) of this Part), class rank shall be set at 5 out of 100 (top 5%) and average GED percentile rank shall be used in lieu of grade point average divided by scale.

E) For those high schools that do not submit class ranks, the applicant scores shall be computed using number in class and rank as equal to one.

2) Geographic District. New Robert C. Byrd Honors Scholarships will be allocated within geographic districts in accordance with Appendix A of this Part. An applicant's county of residence shall be determined by his or her permanent home address.

m) Scholarships will be awarded first to renewing applicants.

n) Scholarship funds are allocable towards an academic year of study.

o) New recipients are selected from each of the 15 geographic districts, and on an at-large basis, in accordance with the number of awards set forth in Appendix A to this Part. The at-large recipients shall be chosen from among the highest scoring non-selected qualified applicants statewide, regardless of their geographic district.

p) The total number of scholarships awarded in a given fiscal year is contingent upon available funding (see Section 4190 of the Higher Education Act of 1965, as amended (20 USC 4582a-1070d-14), Allocation Among States), notwithstanding the number of new scholarships outlined in Appendix A to this Part.

q) Recipients will be informed of their selection by the May 1 preceding the academic year for which the scholarship was requested.

r) High schools will be notified of the recipients attending their high school by May 1.

s) All qualified applicants who are not selected will receive letters notifying them that they have not been chosen as recipients.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- t) If an individual does not accept the offer of a new scholarship award, the next highest scoring qualified applicant not yet selected from the same geographic district will be chosen to receive a scholarship.
- u) Each year recipients shall complete an "Eligibility Certification" that includes statements required by ED.
- v) Scholarship funds shall be sent to the institution on behalf of the recipient(s).

(Source: Amended at 24 Ill. Reg. 9195, effective 11/1/2000)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: State Scholar Program
- 2) Code Citation: 23 Ill. Adm. Code 2760
- 3) Section Numbers: Adopted Action:
2760.20 Amendment
- 4) Statutory Authority: Implementing Section 25 and authorized by Section 20 (f) of the Higher Education Student Assistance Act [110 ILCS 947/25 and 20(f)].
- 5) Effective Date of Amendments: July 1, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 28, 2000, 24 Ill. Reg. 1560
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposed and final version: The only changes made were technical in nature.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? yes
- 13) Will these amendments replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC adopted the following substantive amendments: In Section 2760.20(a)(4), State Scholar Eligibility, language has been added to clarify the time frame during which the student must rank in the upper

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

half of his/her high school class in order to be considered for State Scholar designation, consistent with the time frame already specified in Section 2760.30(a), under Program Procedures.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015
(847) 948-8500
email: tbreyer@isac.org

The full text of the adopted amendments begins on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2760

STATE SCHOLAR PROGRAM

Section
2760.10 Summary and Purpose
2760.20 State Scholar Eligibility
2760.30 Program Procedures

AUTHORITY: Implementing Section 25 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/25 and 20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 4 Ill. Reg. 16, p. 118, effective April 7, 1980; rules repealed, new rules adopted at 5 Ill. Reg. 7251, effective June 26, 1981, amended at 6 Ill. Reg. 8413, effective June 30, 1982; codified at 7 Ill. Reg. 10878, amended at 9 Ill. Reg. 20877, effective January 1, 1986; amended at 11 Ill. Reg. 3242, effective January 29, 1987; amended at 11 Ill. Reg. 14137, effective August 10, 1987; amended at 13 Ill. Reg. 8634, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1760 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17868, amended at 14 Ill. Reg. 10589, effective July 1, 1990; amended at 16 Ill. Reg. 11321, effective July 1, 1992; amended at 17 Ill. Reg. 10624, effective July 1, 1993; amended at 18 Ill. Reg. 10346, effective July 1, 1994; amended at 19 Ill. Reg. 8395, effective July 1, 1995; amended at 20 Ill. Reg. 9251, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11222, effective July 18, 1997; amended at 22 Ill. Reg. 11170, effective July 1, 1998; amended at 24 Ill. Reg.

92-01 → effective 1/1/00.

Section 2760.20 State Scholar Eligibility

a) To be considered for the State Scholar Program, a high school student shall:

- 1) demonstrate superior academic potential as measured by test scores and high school records;
- 2) be a United States citizen or eligible noncitizen;
- 3) be a resident of Illinois;
- 4) rank in the upper half of his/her high school class at the end of the third semester prior to graduation from high school (normally the sixth semester); and
- 5) attend an approved high school.

b) To be considered for the State Scholar Program, a student must take either the ACT Assessment or the College Board's SAT I: Reasoning Test, during the third or fourth semester prior to graduation from

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

high school (e.g., for a student attending high school for the traditional eight semesters, the exam must be taken during the fifth or sixth semester).

- 1) A student may take either or both examinations during the designated period.
- 2) All scores from such tests taken during the designated period must be submitted to ISAC.
- 3) If a student submits scores from multiple examinations taken during the designated period, ISAC will use the highest score.
- 4) When a student submits scores to ISAC, the student must report his/her academic level at the time the test was taken.
- c) ISAC will accept supplementary score reports of tests taken during the designated period upon the student's authorization to the test service. Such authorization by the student must be received by ISAC before August 1.
- d) Students who, for any reason, are unable to take a test on a regular testing date should make special arrangements to be tested in accordance with the procedures of the testing service. Any such special arrangements must take into account the test score submission deadline in subsections (b) and (c) of this Section.

(Source: Amended at 24 Ill. Reg. 9201, effective 11/1/2000)

DEPARTMENT OF HUMAN SERVICES

NOTICE EMERGENCY AMENDMENTS

- 1) Heading of the Part: Administration
- 2) Code Citation: 59 Ill. Adm. Code 101
- 3) Section Numbers: 101.110
Proposed Action: Repealed
- 4) Statutory Authority: Implementing the Illinois Grant Funds Recovery Act [30 ILCS 705] and Section 10-10 of the Illinois Administrative Procedure Act [5 ILCS 100/10-10].
- 5) Effective Date of Amendments: June 14, 2000
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A
- 7) Date filed with the Index Department: June 14, 2000
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Currently, the Department of Human Services has no united or consistent compliance standards for fiscal/administrative recordkeeping for the more than 2000 providers used to serve individuals in need. This type of fiscal accountability is directly related to the welfare of the people receiving services. Without fiscal and administrative standards and accountability, DHS cannot guarantee adequate service delivery to its clients. Part of fiscal accountability is the ability to recover funds misspent or inappropriately held by providers. This rulemaking and the related amendments and repealers will avoid jeopardizing the expenditure of public funds and strengthen the Department's relationship with service providers by replacing the rules of the legacy agencies with this common and uniform rule.
- 10) A Complete Description of the Subject and Issues Involved: This proposed rulemaking is part of the Department of Human Services actions to provide a uniform set of rules in the area of Grant and Grant Fund Recovery for DHS service providers. There are approximately 2000 community agencies under contract to deliver services to DHS clients. Since the inception of the Department these agencies have been subject to a variety of administrative rule requirements regarding grant fund recovery. This repeal of current DHS rules is needed to implement the common DHS rulemaking.

11) Are there any other amendments pending on this Part? No

12) Statement of Statewide Policy Objectives (if applicable): This rulemaking

DEPARTMENT OF HUMAN SERVICES

NOTICE EMERGENCY AMENDMENTS

does not create or expand a State mandate

13) Information and questions regarding this amendment shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Repealer begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE EMERGENCY AMENDMENTS

TITLE 59: MENTAL HEALTH
CHAPTER 1: DEPARTMENT OF HUMAN SERVICES

PART 101

ADMINISTRATION

Section	
101.10	Illinois Department of Mental Health and Developmental Disabilities -- Internal Organization (Repealed)
101.20	Service recipients activity fund in State-operated Mental Health and Developmental Centers
101.30	Payments to the account of service recipients
101.60	Service contracts (Recodified)
101.70	Conduct of hearings and appeals (Repealed)
101.75	Conduct of hearings and appeals for Bogard et al. v. Bradley et al. consent decree (88 C 2414, U.S.D.C., N.D. IL (June 2, 1993)) class members
101.80	Conflict of interest
101.90	Specialized living centers
101.100	Community mental health and developmental disabilities service
101.110	Provider participation fee trust fund
101.110	Hearings and appeals under Sections 7 and 8 of the <u>EMERGENCY</u> Illinois Grant Funds Recovery Act [30 ILCS 705/7 and 8] (Repealed)

APPENDIX A Organization Charts (Repealed)

ILLUSTRATION A	Illinois Department of Mental Health and Developmental Disabilities (Repealed)
ILLUSTRATION B	Associate Director (Repealed)
ILLUSTRATION C	Division of Developmental Disabilities (Repealed)
ILLUSTRATION D	Division of Alcoholism (Repealed)
ILLUSTRATION E	Division of Management Services (Repealed)
ILLUSTRATION F	Division of Community Services and Interagency Affairs (Repealed)
ILLUSTRATION G	Region 1A Office (Repealed)
ILLUSTRATION H	Region 1B Office (Repealed)
ILLUSTRATION I	Region 2 Office (Repealed)
ILLUSTRATION J	Region 2 Developmental Disabilities (Repealed)
ILLUSTRATION K	Region 3A Office (Repealed)
ILLUSTRATION L	Region 3B Office (Repealed)
ILLUSTRATION M	Region 4 Office (Repealed)
ILLUSTRATION N	Region 5 Office (Repealed)

AUTHORITY: Implementing Section 2-105 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-105], Sections 6, 18.1, 20 and 22 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/6, 18.1, 20 and 22], Section 3.06 of the Specialized Living Centers Act [405 ILCS 25/3.06], Section 4A-101 of the Illinois Governmental Ethics Act [5 ILCS 420/4A-101], Sections 7 and 8 of the Illinois Grant Funds Recovery Act [30 ILCS

DEPARTMENT OF HUMAN SERVICES

NOTICE EMERGENCY AMENDMENTS

705/7 and 8] and Bogard et al. v. Bradley et al. consent decree (88 C 2414, U.S.D.C., N.D. IL (June 2, 1993)) and Section 10-5 of the Illinois Administrative Procedure Act [5 ILCS 100/10-5] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5] and Section 10-10 of the Illinois Administrative Procedure Act [5 ILCS 100/10-10].

SOURCE: Effective February 1, 1977, corrected April 1, 1977; amended at 3 Ill. Reg. 50, P. 277, effective December 3, 1979; amended at 4 Ill. Reg. 17, P. 205, effective April 15, 1980; codified at 5 Ill. Reg. 10716; amended at 8 Ill. Reg. 12265, effective July 1, 1984. Section 101.60 recodified to 44 Ill. Adm. Code 1250 at 8 Ill. Reg. 18490; amended at 15 Ill. Reg. 9316, effective June 18, 1991; emergency amendment at 15 Ill. Reg. 14663, effective October 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 2137, effective January 24, 1992; amended at 18 Ill. Reg. 4179, effective March 3, 1994; amended at 20 Ill. Reg. 7856, effective June 7, 1996; amended at 20 Ill. Reg. 13599, effective October 10, 1996; transferred from the Department of Mental Health and Developmental Disabilities to the Department of Human Services by P.A. 89-507; emergency amendment at 23 Ill. Reg. 5138, effective April 21, 1997, for a maximum of 150 days; amended at 23 Ill. Reg. 11118, effective August 24, 1999; emergency amendment at 24 Ill. Reg. 32 05, effective June 14, 2000, for a maximum of 150 days.

Section 101.110 Hearings and appeals under Sections 7 and 8 of the Illinois Grant Funds Recovery Act [30 ILCS 705/7 and 8] (Repealed)

EMERGENCY

The Department shall recover grant funds in accordance with the Illinois Grant Funds Recovery Act [30 ILCS 705/1] if it believes the funds have been misapplied or improperly held; if the grantee agency disagrees with the Department's decision to recover funds, it may appeal the decision; and the Department shall conduct a hearing in accordance with this Section:

- a) Criteria for recovery
 - 1) Grant funds shall be subject to recovery if the Department finds that the grant funds:
 - 1) Received by the agency are in excess of actual reimbursable expenses by program;
 - 2) Were transferred between programs; unless permission was requested of the Department in writing and was approved;
 - 3) Were not spent for the purposes specified in the grant agreement; or
 - 4) Were not expended or expended by the expiration date of the grant;
 - b) Informal hearing
 - 1) If the Department believes that grant funds received by a grantee agency are subject to recovery under the Illinois Grant Funds Recovery Act, it shall notify the agency's chief executive officer of that fact

DEPARTMENT OF HUMAN SERVICES

NOTICE EMERGENCY AMENDMENTS

in writing via certified mail. The letter of notification shall contain:

- 1) The amount the Department believes is subject to recovery;
- 2) An offer to have an informal hearing with the Department staff to resolve issues before issuing a notice of intent pursuant to subsection (c) of this Section; and
- 3) A statement that any agency wishing to have an informal hearing must request an informal hearing in writing within 15 calendar days after receipt of the Department's letter of notification. The Department shall schedule the hearing within 60 days after the receipt of the agency's request. The agency shall send its letter of request to:

Offices of Mental Health and
Developmental Disabilities
180 North 9th Street
Springfield, IL 62765
Attn: Grant Funds Recovery Act Appeals

- c) Notice of intent to recover
 - 1) If the informal hearing does not resolve the matter or if the agency does not request a hearing within the time specified in subsection (b) of this Section, the Department shall send a notice of intent to recover to the agency's chief executive officer via certified mail. Such notice shall include the amount to be recovered, the facts permitting recovery, a statement of right to appeal the Department's findings, a description of the appeal procedure, and a statement that if the agency does not appeal or respond to the letter, the Department shall take action to recover the amount specified.
 - 2) Request for an appeal
 - 1) An agency wishing to appeal may do so by sending a letter to the Department requesting an appeal. The letter shall be sent within 35 calendar days after receipt of the notice of intent to recover sent to the Department at the address in subsection (b)(3) of this Section. The appeal shall follow the procedures of 89 Ill. Adm. Code 508: Stay of proceedings
 - 2) Request for a hearing shall stay any further action by the Department to recover the funds until the resolution of the appeal.
 - 3) The Department shall have the burden of proving by substantial evidence that the funds were subject to recovery as defined in subsection (a) of this Section. On conclusion of the Department's presentation, the agency may present written and oral evidence.
 - 4) Standard of review
 - 3) In all appeals, the administrative law judge shall determine whether there was substantial evidence supporting the Department's findings that the funds were subject to recovery.
 - 4) If the Secretary or his or her designee holds that the funds were

DEPARTMENT OF HUMAN SERVICES

NOTICE EMERGENCY AMENDMENTS

- ~~subject to recovery, the Secretary shall issue a recovery order for the funds.~~
- 2) ~~The decision shall constitute a final administrative decision in accordance with Section 5-101 of the Administrative Review Law (735 ILCS 5/3-101).~~

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. 9205, effective June 14, 2000, for a maximum of 150 days)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Award and Monitoring of Funds
- 2) Code Citation: 77 Ill. Adm. Code 2030
- 3) Section Numbers:
- | | | |
|-----------|----------|-------------------------|
| 2030.20 | Amended | <u>Proposed Action:</u> |
| 2030.320 | Repealed | |
| 2030.330 | Amended | |
| 2030.340 | Repealed | |
| 2030.350 | Repealed | |
| 2030.360 | Repealed | |
| 2030.420 | Repealed | |
| 2030.540 | Repealed | |
| 2030.610 | Repealed | |
| 2030.710 | Repealed | |
| 2030.720 | Repealed | |
| 2030.730 | Repealed | |
| 2030.740 | Repealed | |
| 2030.760 | Repealed | |
| 2030.810 | Amended | |
| 2030.1010 | Repealed | |
| 2030.1020 | Repealed | |
| 2030.1030 | Repealed | |
| 2030.1040 | Repealed | |
| 2030.1050 | Repealed | |
| 2030.1060 | Repealed | |
| 2030.1070 | Repealed | |
| 2030.1080 | Repealed | |
| 2030.1110 | Repealed | |
| 2030.1120 | Repealed | |
| 2030.1130 | Repealed | |
| 2030.1140 | Repealed | |
| 2030.1150 | Repealed | |
| 2030.1215 | Repealed | |
| 2030.1225 | Repealed | |

- 4) Statutory Authority: Authorized by the Illinois Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301].

- 5) Effective Date of Amendments: June 14, 2000

- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

- 7) Date filed with the Index Department: June 14, 2000

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

for public inspection.

- 9) Reason for Emergency: Currently, the Department of Human Services has no united or consistent compliance standards for fiscal/administrative recordkeeping for the more than 2000 providers used to serve individuals in need. This type of fiscal accountability is directly related to the welfare of the people receiving services. Without consistent fiscal and administrative standards and accountability, DHS cannot guarantee adequate service delivery to its clients. This rulemaking and the related amendments and repeals will avoid jeopardizing the expenditure of public funds and strengthen the Department's relationship with service providers by replacing the rules of the legacy agencies with this common and uniform rule.

- 10) A. Complete Description of the Subject and Issues Involved: This proposed rulemaking will amend or repeal several Sections in this Part. These repeals are part of the Department's actions to create a common and provide a uniform set of rules in the area of Grants and Grant Funds Recovery and Fiscal/Administrative Recordkeeping and Requirements for DHS service providers. There are approximately 2000 community agencies under contract to deliver services to DHS clients. Since the inception of the Department these agencies have been subject to a variety of administrative rule requirements regarding grant fund recovery. This rulemaking, along with the creation, amendment and repeal of other DHS rules, will provide these rules.

- 11) Are there any other amendments pending on this Part? No

- 12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate

- 13) Information and questions regarding this amendment shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER X: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER c: ADMINISTRATION OF FUNDING

PART 2030

AWARD AND MONITORING OF FUNDS

SUBPART A: GENERAL

Section	
2030.10	Applicability
2030.20	Definitions
EMERGENCY	
2030.30	Exceptions
2030.40	Special Award Conditions

SUBPART B: AWARD CRITERIA AND PROCEDURE

Section	
2030.100	Recipient Eligibility
2030.105	Services Eligible for Grant-in-Aid Funding
2030.107	Services Eligible for Purchased-Care or Fee-for-Service Funding
2030.110	Other Activities for Which Awards May be Made
2030.115	Award Process
2030.120	Department Budget Planning Requirements
2030.130	Provider Plan/Recipient Budget
2030.140	Award Document
2030.150	Subawards
2030.160	Modification or Amendment of the Award Document

SUBPART C: DEPARTMENT APPROVAL FOR PROGRAMMATIC AND BUDGET REVISIONS
AND FOR COSTS REQUIRING PRIOR APPROVAL

Section	
2030.210	Process
2030.220	Programmatic Changes
2030.230	Budget Revision

SUBPART D: COST PRINCIPLES/ALLOWABILITY

Section	
2030.310	Applicability
2030.320	Allowable Costs <u>(Repealed)</u>
EMERGENCY	
2030.330	Approval of Costs
EMERGENCY	
2030.340	Allocation of Costs/Direct and Indirect Costs <u>(Repealed)</u>
EMERGENCY	

DEPARTMENT OF HUMAN SERVICES

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

NOTICE OF EMERGENCY AMENDMENTS

2030.350 Costs Allowable with Prior Approval of the Department (Repealed)
 EMERGENCY
 2030.360 Unallowable or Limited Costs (Repealed)
 EMERGENCY

SUBPART E: NON-DEPARTMENTAL FUNDING

Section
 2030.410 Non-Department Funding
 2030.420 Record Keeping (Repealed)
 EMERGENCY
 2030.430 Program Income
 2030.440 Maintenance of Effort
 2030.450 Client Fees

SUBPART F: MATCHING AND COST PARTICIPATION REQUIREMENTS

Section
 2030.510 General
 2030.520 Definitions
 2030.530 Eligible Costs
 2030.540 Criteria for Contributions (Repealed)
 EMERGENCY
 2030.550 Valuation of In-Kind Contributions

SUBPART G: FINANCIAL MANAGEMENT

Section
 2030.610 Accounting and Financial Management Requirements (Repealed)
 EMERGENCY
 2030.620 Audit Requirements (Repealed)

SUBPART H: FINANCIAL REPORTING

Section
 2030.710 General (Repealed)
 EMERGENCY
 2030.720 Quarterly Revenue/Expense Reports--Grant-in-Aid Recipients
 EMERGENCY (Repealed)
 2030.730 Lapsed Grant-in-Aid Funds (Repealed)
 EMERGENCY
 2030.740 End of the Year Report (Repealed)
 EMERGENCY
 2030.750 Purchased-Care/Fee-for-Service Invoicing and Auditing
 EMERGENCY
 2030.760 Exempt Recipients (Repealed)
 EMERGENCY

SUBPART I: MONITORING AND REPORTING OF PROGRAM PERFORMANCE

Section
 2030.810 Site Visits
 EMERGENCY
 2030.820 Reports
 2030.830 Underutilization
 2030.840 Criminal Justice System Referrals
 2030.850 Prior Submissions

SUBPART J: FUND DISBURSEMENT

Section
 2030.910 General

SUBPART K: TERMINATION--SUSPENSION, CLOSOUT

Section
 2030.1010 Definitions (Repealed)
 EMERGENCY
 2030.1020 Unilateral Termination (Repealed)
 EMERGENCY
 2030.1030 Termination by Agreement (Repealed)
 EMERGENCY
 2030.1040 Termination or Suspension for Cause (Repealed)
 EMERGENCY
 2030.1050 Actions on Termination (Repealed)
 EMERGENCY
 2030.1060 Suspension Process (Repealed)
 EMERGENCY
 2030.1070 Summary Suspension (Repealed)
 EMERGENCY
 2030.1080 Termination for Cause Process (Repealed)
 EMERGENCY
 2030.1090 Closout

SUBPART L: PROPERTY MANAGEMENT STANDARDS

Section
 2030.1110 Scope (Repealed)
 EMERGENCY
 2030.1120 Definitions (Repealed)
 EMERGENCY
 2030.1130 Real Property (Repealed)
 EMERGENCY
 2030.1140 Non-Expendable Personal Property (Repealed)
 EMERGENCY
 2030.1150 Expendable Personal Property (Repealed)
 EMERGENCY
 2030.1160 Copyrights, Patents and Royalties

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

SUBPART M: GENERAL PROVISIONS REGARDING AWARD PERFORMANCE

Section

2030.1205 Civil Rights/Nondiscrimination
2030.1210 Compliance During Award Period
2030.1215 Conflict of Interest (Repealed)

EMERGENCY

2030.1220 Notices
2030.1225 Personnel Administration (Repealed)

EMERGENCY

2030.1230 Procurement Standards
2030.1235 Protection of Client Records/Confidentiality
2030.1250 Publicity and Publications
2030.1255 Retention and Access Requirements for Records
2030.1265 Severability

SUBPART N: SPECIAL PROVISIONS

Section

2030.1310 Special Provisions for Purchase of Medical Services
2030.1320 Special Provisions for Prevention Services

AUTHORITY: Authorized by the Illinois Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301].

SOURCE: Old Part repealed, new Part adopted at 16 Ill. Reg. 2457, effective February 4, 1992; recodified from Department of Alcoholism and Substance Abuse to Department of Human Services at 21 Ill. Reg. 9319; emergency amendment at 22 Ill. Reg. 12158, effective June 24, 1998, for a maximum of 150 days; emergency expired November 20, 1998; amended at 23 Ill. Reg. 488, effective December 28, 1998; emergency amendment at 24 Ill. Reg. 9216, effective June 14, 2000, for a maximum of 150 days.

SUBPART A: GENERAL

Section 2030.20 DefinitionsEMERGENCY

The following definitions shall apply to this Part:

"Act" means the Illinois Alcoholism and Other Drug Dependency Act [20 ILCS 301].

"Award" means financial assistance in the form of money, property or services in lieu of money, by the Department to an eligible recipient, whether by grant or contract, involving Federal, State or other funds for which the Department has administrative responsibility and authority.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

"Client" means a person who receives services under a Department-funded program by a provider.

"Demonstration" means a project wherein money is awarded for a period of time to eligible recipients ~~(recipients)~~, in order to evaluate the feasibility and efficacy of alternative methods of attaining the goals and purposes of the Act.

"Department" means the Department of Human Services.

"Fee-for-service" means payments are made on the basis of a rate, unit cost or allowable cost incurred and is based on a statement or bill as required by the Department. Payments made as a fee-for-service are not subject to the Illinois Grant Funds Recovery Act [30 ILCS 705] ~~an award--to-an-eligible-recipient-based-upon-a-rate-of-reimbursement-for specified-services--(as-for-example-purchase-of-medical-services--and purchased-care-arrangements).~~

"Grant-in-aid" means a program receives all or part of the funding in advance of the actual delivery of services. This includes prorated prospective payments and payments made by the Department on an estimated basis or any other basis when the Department does not know the actual amount earned by the Provider. This does not include advance payments made under the authority of Section 9.05 of the State Finance Act [30 ILCS 105/9.05]. All funds paid as a grant are subject to the Illinois Grant Funds Recovery Act [30 ILCS 705] ~~an-award-for the-purpose-of-general-financial-assistance-to-an-eligible-provider program--to-be-used-for-costs-allowable-by-this-Part.~~

"Provider" means any public or private nonprofit agency, organization, or institution, or unit of state or local government, or a for-profit agency where an award to such would be appropriate and consistent with the purposes of the Act (as set forth in Sections 1-102 and 4-101 of the Act) and the funding source, or other legal entity to which an award is made by the Department, and which is accountable to the Department for the use of the funds, provided. The term "provider" does not include individuals who ultimately receive benefits under or are volunteers participating in any funded program. Generally the term refers to programs which receive awards, and which actually provide intervention, prevention, and/or treatment services.

"Purchased care" means a specific type of fee-for-service as set forth in the Individual Service Payment System Manual compiled by the Department's Office of Purchased-Care.

"Recipient" is a general term for any person or organization which receives an award or subaward under this Part. It includes but is not limited to the terms provider and subprovider.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

"Secretary" means the Secretary of the Department of Human Services or his or her designee.

"Subaward" means financial assistance in the form of money, property or services, in lieu of money, made under an agreement by a provider to an eligible subprovider or a recipient to an eligible subrecipient. The term includes financial assistance when provided by award, subgrant, contract or subcontract, but does not include procurements or commodities and supplies or incidental support services such as janitorial, catering, laundry, or building maintenance services.

"Subprovider" means any public or private nonprofit award recipient, organization, institution or unit of state or local government, or a for-profit agency where an award to such would be appropriate and consistent with the purposes of the Act and the funding source, or other legal entity to which a subaward is made and which is accountable to the provider and the Department for the use of the funds. The subprovider is the entire legal entity even if only a particular component of the entity is designated in the subaward document. This definition does not include persons or entities which provide incidental support services or supplies, materials or equipment to funded programs. Generally the term refers to programs which are recipients of awards and which actually provide intervention, prevention, and/or treatment services.

"Terms of an award or subaward" means all requirements of the award or subaward whether in statute, regulations, or the award document.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 9211 - 2, effective June 14, 2000, for a maximum of 150 days)

SUBPART D: COST PRINCIPLES/ALLOWABILITY

Section 2030.320 Allowable Costs [Repealed]

EMERGENCY

- a) To-be-allowable, award-expenditure costs must meet the following criteria:
- 1) Be necessary and reasonable for efficient business administration of the funded program; services or project; or purposes of this Section; necessary means those expenditures required to provide the funded program; services or project; reasonable means those expenditures which augment or which enhance the funded program; services or project; without impairing the provision of necessary services;
 - 2) Be directly or indirectly related to the provision of the funded services or the support or the administration thereof;
 - 3) Be in compliance with State, Federal, or local laws and regulations; such as, but not limited to, Federal and State tax

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- provisions; 77 Ill. Adm. Code 2059, and local zoning and other ordinances;
- 4) Conform to any limitations or exclusions set forth in this Part as to types or amounts of cost items;
 - 5) Be determined in accordance with generally accepted accounting principles under the accounting standards set forth in Government Auditing Standards, United States General Accounting Office, July 1988 (the Yellow Book); 40 CFR Principles for Nonprofit Organizations, 68B Circular A-132 (6/27/88); and Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations, 68B Circular A-110 (7/30/76) and 68B Circular No. A-133 (5/16/98); and
 - 6) May not be recoverable directly or indirectly through another Federal, State, municipal, or private reimbursement contract, whether or not such contract is under the same accounting period.
 - b) Expenditures of a similar nature and for comparable purposes shall be treated consistently in the accounting records and financial reports of the provider.
 - c) All credits, discounts, allowances or refunds directly or indirectly attributable to an expenditure shall be treated on all financial reports to the Department as a reduction of such expenditure.

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. 9211 - 3, effective June 14, 2000, for a maximum of 150 days)

Section 2030.330 Approval of Costs

EMERGENCY

- a) All funded expenditures, to be allowable, must be approved by the Department. The Department's approval of the provider plan shall constitute approval of the expenditures identified therein, provided that such expenditures are not otherwise excluded or limited by this Part or 89 Ill. Adm. Code 509. If such expenditures are limited or excluded by this Part, approval of the provider plan will constitute approval of such costs only if they are clearly and specifically identified to the Department as being costs which are limited or excluded unless approved by the Department. If such identification is made and the provider plan approved, then the approval process set forth in Section 2030.210 is not required.

- b) Recipients not required to have a provider plan shall have a budget of allowable expenses or a rate for services approved by the Department prior to award expenditures, which budget or rate is incorporated into the award document.

- c) Expenditures which are not approved as set forth in subpart (a) require specific prior approval from the Department in writing as set forth in Subpart C. In the case of subawards, no approval shall be given which is inconsistent with the purpose of the terms of the Department award. The Department will approve such expenditures if

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

the recipient furnishes reliable written documentation that the benefit to be derived from the expenditure is justified based upon need and cost, that the costs are consistent with the terms of the award document, and that the recipient can perform all requirements of the award document without additional Department funding.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 9211, effective June 14, 2000, for a maximum of 150 days)

Section 2030.340 Allocation of Costs/Direct and Indirect Costs (Repealed)**EMERGENCY**

- a) All allowable expenses that can be identified to a specific funded program or project should be directly charged to that program or project. Allowable reimbursable expenses not directly identified to a Department funded program or project must be allocated to all program services, both funded and unfunded. The total award will be based on the sum of the allowable direct and allocable indirect costs less any applicable credits.
- b) Each recipient must adopt a cost allocation plan by an acceptable method and apply it consistently in the application for the award, the provider plan, and all required financial reporting.
- c) All costs included in the allocation plan shall be supported by formal accounting records which substantiate the propriety of eventual charges.

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. 9211, effective June 14, 2000, for a maximum of 150 days)

Section 2030.350 Costs Allowable with Prior Approval of the Department (Repealed)**EMERGENCY**

- a) Data processing costs including purchase or rental of equipment service center costs and outside consultants.
- b) Building space costs including rent, maintenance, alterations, remodeling costs and/or real estate acquisitions.
- c) Indirect cost methodology and rate
- d) Inservice training
- e) The cost of staff attending meetings and conferences held within 250 miles of Illinois are allowable if the individual registration fee is \$500 or less; the meeting concerns direct client care issues; and attending personnel are involved in supervising or providing direct care to clients on a regular basis or if the meeting is sponsored by or at the request of a state human service department or other primary funding source. Prior approval is necessary for meetings exceeding these limits.
- f) Lease agreements for items of equipment as well as any servicing

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- a) Renewal for the items and/or services used in its operation(s) if the annualized cost will exceed \$5,600.
- b) Management studies and management consultant costs.
- c) Non-expendable personal property the unit cost of which is expected to exceed \$5,600.
- d) Pre-award costs.
- e) Professional or technical contracts if in an award period, the total value to any one person or entity is in excess of \$5,000 including legal accounting medical architectural and psychological consulting services and vocational consulting.
- f) Reserve fund establishment or additions to a reserve fund from award funds.

- g) Expenses resulting from transactions with related persons or organizations or with those who have control or common ownership will be considered as a part of allowable expenses to the extent that the expenses represent the actual expense of the related persons or organizations (the qualifying expenses of the related persons or organizations).
- For example, a fund recipient may rent a building from a related person or organization. The expenses qualifying for reimbursement are limited to the actual expenses of the related person or organization (such as depreciation interest on mortgage real estate taxes insurance and other approved expenses) rather than the amount paid by the fund recipient to the related person or organization. Thus, the net effect is to treat the rented facility as though it were owned by the fund recipient.

An exception is allowed for rental or lease expenses paid to a lessor which is exempt under Section 50(c)(9) of the Internal Revenue Code (or its equivalent as determined by the Internal Revenue Service) and which would be a related organization to the extent that such expense shall not exceed 10% of fair rental or market value. Fair rental value means rents of comparable property as determined by current offers for property rental in the area in the case of a sale from a related person or organization. Fair market value means an amount not to exceed 10% of the sale price of comparable property as determined by the record of property sales in the area in the preceding six (6) months. In order to qualify for the exception the relationship and lease or sale terms must be disclosed in writing to the Department. Related persons or organizations and those with control or common ownership include:

- i) Relatives of the fund recipient's management staff board of directors employees or owners including a spouse natural or adoptive parent stepparent child sibling adopted child stepparent stepchild stepbrother stepister father in law mother in law brother in law sister in law grandparent and grandchild;
- j) Parties with a less than arms length relationship such that one party does or has the appearance of being able to control or

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

substantially influence the actions or policies of another directly or indirectly. Such relationship exists between but is not limited to divisions of an organization, organizations under common control through common officers, directors or members, and an organization and a director, trustee, officer or key employee of the organization or his immediate family either directly or through corporations, trusts, or similar arrangements in which they hold a controlling interest.

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. 9211, effective June 14, 2000, for a maximum of 150 days)

Section 200.360 Unallowable or Limited Costs (Repealed)

EMERGENCY

The following expenditures are not reimbursable from Department award funds and are non-reimbursable costs for the purpose of rate setting. The limitations established herein are not to be construed as applying to non-Department funding sources of a fund recipient.

- a) Certain Association Membership Dues

The cost of membership in substance abuse treatment and prevention professional associations is allowable provided the benefit from the membership is related to the funded program; the expenditure is for the organization rather than individual membership; the cost of the membership is reasonably related to the value of the services or benefits received and does not exceed 1% of \$1000 of the Department award; whichever is less; and the expenditure is not for membership in an organization which devotes a substantial part of its activities to influencing legislation.
- b) Research

Research expenses are not allowable unless specifically authorized in the award document.
- c) Insurance Benefits

The Department will only allow the cost of accidental death, health casualty, loss to property, liability, life and disability insurance and retirement plans as they apply to all eligible full-time employees of the fund recipient and a pro rata share of salaried part-time employees. To the extent required by Federal or State law or by insurance contract(s), comparable costs will be allowed for hourly employees.
- d) Compensation to Board Members or Owners are not allowed except as set forth in this subsection.

Reimbursement of reasonable transportation and other travel expenses related to attending fund recipient board meetings and other fund recipient related business is allowable subject to the organization's employee travel policies and if approved through its budget. However, to the extent services have been rendered in a work capacity other than ownership or board functions by such individuals and if prior

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

approval is granted by the board of directors (minus the interested member). Reimbursement may be given; it shall not exceed compensatory rates which would be paid to non-controlling persons for comparable services.

- e) Entertainment

The costs of non-client entertainment is not reimbursable.
- f) Dues and Costs of Attending Professional Meetings

Expenditures for dues other than as provided in subsection (a) and costs related to attending professional meetings (other than those provided for in Section 200.360(d) related to in-service training) to conduct a provider's professional business shall not be reimbursable.
- g) Transportation
 - 1) Expenses for transportation, lodging, subsistence and related items incurred by employees who are in travel status on official business incident to a grant program are reimbursable from grant funds only if directly related to providing funded program services or if otherwise integral to the operation of the program.
 - 2) In all cases, travel costs are limited to that allowed by formal organizational travel policy and, in the case of air travel, less than first-class travel must be used when available. If the recipient organization has no formal travel policy, State travel regulations (88 Ill. Adm. Code 3080) including maximum per diem and subsistence rates prescribed in those regulations shall be used to determine the amount for travel costs.
 - 3) Cost of transportation of clients to treatment via public transportation or in recipient operated vehicles is allowable.
- h) Fund-raising and Promotional Expense

Fund-raising and promotional activities are not reimbursable.
- i) Bad Debts

Bad debts are a deduction from the applicable income account rather than a reimbursable expense item from grant funds. Using this accounting procedure, neither the income nor expense of the agency is overstated and duplicate funding of expenses is eliminated.
- j) Charity Grants and Professional Discounts

Charity grants and professional discounts are not reimbursable expense items. Charity is defined as the donation of cash or in-kind services to other organizations and persons external to the funded program or services approved by the Department. Grants are defined as awards to organizations, programs and/or persons external to the funded program or services of the fund recipient. Professional discounts are defined as reductions in fee assessments to individuals/families because of professional status (e.g., doctor, educator).
- k) Non-client Meals

Non-client meals are not reimbursable expenses. Non-client meals are defined as meals consumed by parents, guests and staff when staff attendance with the client is not programmatic or mandatory.
- l) Interest Expense

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Interest expense paid on borrowed funds which are required to provide funded program activities or services to clients is a reimbursable expense. Interest income from investment made from excess operating funds must be offset against allowable interest expense reimbursable from award funds. The following items of interest expense are not reimbursable from award funds:

- 1) Funds borrowed for investment purposes;
- 2) Funds borrowed to create working capital in excess of two months' operating costs;
- 3) Funds borrowed for the personal benefit of employees, officers or boards of directors, members or owners of the fund recipient;
- 4) Funds borrowed without a prior time limited written agreement with the Department for the purchase of land, buildings and/or equipment for future expansion until such items are actually in use;
- 5) Interest in excess of the prime interest by the fund recipient to persons or organization who are related to the provider through control, ownership or family relations as defined in Section 2036.3504(f);

m) Intra fund recipient loan interest charges
Interest charges made for intra fund recipient loans between funds are not reimbursable

n) Rentals

1) Rental income
Any rental income received by the fund recipient must be used to reduce the reimbursable expense by award funds for the item rented; provided the expense item is allowable.

2) Rental or lease costs are reimbursable for buildings and equipment if they are reasonable in light of such factors as: rental costs of comparable property; if any, market conditions in the area; alternatives available; the type, life expectancy, condition and value of the property leased; and whether they are necessary to provide the funded program activities or services. Such costs shall be allowable based on a square footage method. Percent of use method or such other method that properly reflects the cost allocation between the property's use under the Department's contract to the total use of the recipient. Such allocation shall include servicing of the items and/or supplies as reimbursable expenses also.

o) Loan agreements
The repayment of the principal amount of any loan is not a reimbursable expense since it is the expenditure of the loan proceeds which may qualify for reimbursement; not the loan repayment. (Example: if a fund recipient borrowed \$10,000 for operating expense the repayment of the \$10,000 principal amount is not a reimbursable expense, but the expense paid with the principal may be reimbursable.)

p) Inventories and Prepaid Expenses

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

The Department's grant is to fund as established by the budget and most recently approved provider plan only current expenses of operations and not the development of current or fixed assets. Usage from inventories is an expense and is reimbursable from grant funds. Expenditures for consumable goods such as food, housekeeping supplies, office supplies, etc. used in the program under an approved budget are not reimbursable to the extent that they have not been consumed or used by the end of the grant term. Expenditures for services or contracts (e.g., insurance, equipment maintenance) which extend beyond the grant term shall not be allowed to the extent that they are allocable to a period beyond the grant term. In order to provide for operating continuity of programs which will provide comparable program services to the Department through a new contract, the Department may allow de minimis inventories of consumable supplies as a current year contract reimbursement to the extent that they will be consumed in the provider's ongoing contract with the Department no later than 90 days after the end of the contract period to which they are charged. Further, the Department may allow to continuing providers expenditures for services or contracts which will be completed or used in the next contract period. Such expenditures to the extent allowed as reimbursable in the prior contract award may not be claimed as expenditures during the next contract period when they are consumed.

q) Sales of goods or services

Any expense incurred by the fund recipient for the sale of goods or services is not reimbursable and may be offset against sales revenue. In-kind contributions

r) The Department recognizes in-kind contributions both as a source of income and as an expense of operations. Thus, the expense is paid by the source of income directly and the donation expense is not reimbursable from grant funds.

s) Duplicate funding

Department funds shall not be used to reimburse expenses payable by other sources of funding.

t) Unfunded activities

Reimbursement of any expense for a program service which has not received a Department award is not allowable.

u) Contingencies

Contributions to a contingency reserve or any similar provision for unforeseen events are not reimbursable.

v) Dual compensation is not permitted. This situation is defined as when an employee receives compensation from two or more different and unrelated jobs for work performed in the same time span. This applies to all salaried and contractual personnel and consultants.

w) Lobbying

Attempts to influence the outcomes of any Federal, State or local election, referendum, initiative, or similar procedure through in-kind or cash contributions, endorsements, publicity or similar activity establishing, administering, contributing to or paying the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

expenses--of--a--political--party--campaign--political--action--committee or other organization established for the purpose of influencing the outcomes of election attempts to influence the enactment or modification of any pending Federal or state legislation through communication with any member or employee of the Congress or state legislature (including efforts to influence state or local officials to engage in similar lobbying activity); or with any government official or employee in connection with a decision to sign or veto enrolled legislation or in connection with preparing or distributing propaganda or legislative liaison activities are not allowed. However, the following is allowed: providing a technical and factual presentation of information on a topic directly related to the performance of a grant, contract or other agreement through a hearing testimony or statements or letters to the Congress or a state legislature in response to a documented request from such provided such information is readily obtainable and can be readily put in deliverable form or activity specifically authorized by statute to be undertaken with funds from the grant, contract or other agreement.

x) Depreciation on equipment/ fixed assets, to the extent that the original acquisition was paid in whole or in part with award funds, is non-allowable.

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. effective June 14, 2000, for a maximum of 150 days)

SUBPART E: NON-DEPARTMENTAL FUNDING

Section 2030.420 Record Keeping (Repealed)

EMERGENCY

Recipients shall maintain and make available to Department staff records of the receipt and disposition of all non-Department funds received from any source for the performance of Department funded programs or services.

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. effective June 14, 2000, for a maximum of 150 days)

Section 2030.540 Criteria for Contributions (Repealed)

EMERGENCY

All contributions, both cash and in-kind, shall be accepted as part of the recipient's cost sharing and matching when such contributions meet all of the following criteria:

- a) Are verifiable from the recipient's records;
- b) Are not included as contributions for any other publicly assisted program;
- c) Are necessary and reasonable for proper and efficient accomplishment of project/program objectives.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- d) Are types of changes that would be allowable under the applicable cost principles (Subpart B of this Part);
- e) Are not paid by the Federal government under any assistance agreement or by the Department;
- f) Are provided for in the approved budget; and
- g) Conform to other provisions of this Part.

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. effective June 14, 2000, for a maximum of 150 days)

SUBPART G: FINANCIAL MANAGEMENT

Section 2030.610 Accounting and Financial Management Requirements (Repealed)

EMERGENCY

- a) Each fund recipient shall establish and maintain a formal accrual or modified accrual accounting system in accordance with generally accepted accounting principles (see Section 2030.320(a)(5)) to include a level of documentary classification of entries, and audit trails to provide accurate current and complete disclosure, and to meet reporting requirements as prescribed by the Department in this Part;
- b) A formal accrual or modified accrual accounting system shall not be required for the following:
 - i) A fund recipient that is required to maintain its records on a cash basis by a parent organization or funding source which provides more than 50% of the recipient's funding;
 - ii) A fund recipient with a total budget of \$25,000 or less; or
 - iii) A one-time Department award;
- c) All accounting entries must be supported by applicable source documents recorded in books of original entry and posted to a general ledger on a monthly basis;
- d) Records must identify adequately the direct and allocated indirect expenses and the source and application of funds for each program funded by the Department; the accounting system should include a cost allocation plan that is consistently applied;
- e) The accounting system must document procedures for determining the reasonableness, allowability and allocability of costs to each funded program in accordance with Subpart B Cost Principles;
- f) The accounting system must provide comparison of actual budget amounts for each funded program; financial information should be related to performance and unit cost data;
- g) Procedures must be established for control over and accountability for all funds, property and other assets. Recipients shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes pursuant to Property Management Standards in Subpart B;
- h) Department staff shall be available for consultation and assistance upon request of the fund recipient.

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. effective June 14, 2000, for a maximum of 150 days)

SUBPART E: NON-DEPARTMENTAL FUNDING

Section 2030.420 Record Keeping (Repealed)

EMERGENCY

Recipients shall maintain and make available to Department staff records of the receipt and disposition of all non-Department funds received from any source for the performance of Department funded programs or services.

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. effective June 14, 2000, for a maximum of 150 days)

Section 2030.540 Criteria for Contributions (Repealed)

EMERGENCY

All contributions, both cash and in-kind, shall be accepted as part of the recipient's cost sharing and matching when such contributions meet all of the following criteria:

- a) Are verifiable from the recipient's records;
- b) Are not included as contributions for any other publicly assisted program;
- c) Are necessary and reasonable for proper and efficient accomplishment of project/program objectives.

DEPARTMENT OF HUMAN SERVICES
NOTICE OF EMERGENCY AMENDMENTS

- 1) The Department recognizes the need for fund recipients to establish separate special funds for capital expenditures and equipment purchases. All receipts that are not restricted by the donor must be recorded in the operating fund. Transfers of unrestricted funds will be shown as transfers from the fund balance. Information about all funds must be made available to the Department upon request.
- Cash Management
- 1) All cash receipts are to be deposited intact. A cash receipts record is to be maintained which will indicate all sources of income by fund or award.
- 2) Award funds may be used to establish petty cash funds provided they do not exceed \$500 at any one location and they are maintained on a strict imprest basis. This means that cash and vouchers will always total the amount of the fund.
- 3) Other than petty cash reimbursements, checks shall not be made payable to cash or to an employee's name for the purpose of cashing and paying vendors directly.
- 4) Award funds or program income shall not be used for employee salary advances or employee loans.

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. 921.1-2, effective June 14, 2000, for a maximum of 150 days)

SUBPART H: FINANCIAL REPORTING

Section 2030.710 General (Repealed)

EMERGENCY

Grant-in-aid recipients shall complete and submit to the Department quarterly a report of revenue and expenses in a format as prescribed by the Department. The purpose of these reports is to determine if the actual accrued operating revenue and expenses and capital income and expenses of a provider are within reasonable limits of budget projections (items which require budget revision pursuant to Section 2030.230 shall be considered not to be within reasonable limits). Recipients shall submit accrued operating expenses and actual recipient income by source rather than budget projections as shown on the provider plan. Quarterly reconciliations are to be performed by recipient totals for both operating expenses to budget and operating expenses to funds received by a recipient. In addition, the recipient shall submit an end-of-year report (the State of Illinois Interagency Statistical and Financial Report-ISR) in a format as prescribed by the Department. Funds awarded as a fee for service or purchased care are not subject to the quarterly revenue expense reporting but are subject to the end-of-the-year ISR requirement.

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. 921.1-1, effective June 14, 2000, for a maximum of 150 days)

Section 2030.720 Quarterly Revenue/Expense Reports--Grant-in-Aid Recipients

DEPARTMENT OF HUMAN SERVICES
NOTICE OF EMERGENCY AMENDMENTS

(Repealed)
EMERGENCY

- a) Revenue/Expense reporting provides the total revenue accrued operating income and expenses of the recipient, the combined accrued operating income and expenses of all unfunded services or programs, the combined accrued operating income and expenses for all Department-funded services or programs and the accrued operating income and expenses for each Department award-funded service or program. The completed report, including supporting information, must be obtained from the recipient's accounting records. Requests for extensions are subject to review by the Department and are granted for hardship situations not created by the recipient.
- 1) The appropriate indirect expenses should be allocated based on the allocation factors consistent with the provider plan.
- 2) In-kind contributions
- A) Other sources--Provide the category and valuation of non-state in-kind contributions based upon Section 2030.540.
- B) State sources--Provide the category and valuation of state in-kind contributions based upon Section 2030.540.
- C) For both state sources and other sources, both the income and expense associated with in-kind contributions must be reported in the recipient's books of account.
- 3) Recipients approved for total or partial Department-funded depreciation expense and desiring payment of this expense either as part of their monthly billing or at the end of the year are to complete the income/expense report for the capital funds. This amount shall be consistent with approved quarterly allocations and/or their fourth quarter allocation including approved budget revisions pursuant to Section 2030.900. Providers not requesting and/or not approved for Department-funded depreciation expense should report this expense on the fourth quarter's operating revenue/expense report as reported in the provider's records at the end of the year. Depreciation expenses shall be reported in the same manner as the other line item expenses and allocated proportionately among funded programs, projects or services.
- 4) The provider's completed Quarterly Revenue/Expense Reports are to be submitted not later than the 25th day of the month following the close of each quarter on forms prescribed by the Department. The provider's income reports are to be submitted only for the second (October-December) and fourth (April-June) quarters.
- 5) Reconciliation of operating expenses to funds
- A) Each provider must reconcile total Department award funds received for the reporting quarter to the total Department award operating expenses for the reporting quarter.
- B) If the sum of provider disbursements exceeds the Department-funded expense which is limited to quarterly

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

allotments on the provide plan; the Department shall reduce the next provider disbursement by the difference:

b) End of second and third quarters--procedures as set forth in Section 2030.730(a) except that the reports are prepared on a cumulative basis and that in computing the amount of the disbursement, any funds that the recipient has on hand from the preceding quarter must be added to the total recipient disbursement request paid.

c) End of fourth quarter

1) Complete reconciliation must be made for the entire fiscal year.

2) Total--all Department-funded expenses--from the four quarterly revenue/expense reports for the year.

3) If total payments exceed total Department-funded expenses--the recipient owes the total--to the Department. Recipients are to make reconciliation payments or adjustments simultaneously with submission of the final quarter report.

4) Overpayments of any amount over \$100 (allowance for rounding off) must be reimbursed to the Department.

5) Payment by a recipient shall be an offset check, draft or money order made payable to the Department. The check, draft or money order shall be accompanied by a cover letter to the Department.

d) Recipients shall submit reconciliation adjustments or repayments as outlined above by September 1 of the following fiscal year.

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. 921.1, effective June 14, 2000, for a maximum of 150 days)

Section 2030.730 Lapsed Grant-in-Aid Funds (Repealed)

EMERGENCY

a) Department grant-in-aid funds not expended as outlined in the effective provider plan are considered lapsed. These lapsed funds shall be calculated by comparing the operating expenses to the budget using the following method:

1) Operating expenses to budget--Display the total funds and award funds budgeted for the quarter. These figures must agree with the provider plan. Display the total accrued expense and award funds accrued expenses for the reporting quarter. Indicate difference.

2) Considerations of exceptions--Recipients may request a reallocation of funds in the original plan. Funds approved for reallocation may be used prospectively or retrospectively to the immediately preceding quarter.

3) Each provider shall file its completed Quarterly Operating Revenue/Expense Report by the 25th day of the month following the close of each quarter. If the Department expenses are less than the approved allocation level, the provider shall indicate in writing one of the following:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

A) Request for Department reallocation of funds--for underexpense of more than \$5,000 or 5% of a line item whichever is greater in any Department-funded program or service. As part of the Quarterly Operating Revenue/Expense Report, the provider shall certify in writing that funds reallocated to a subsequent quarter will be expended in accordance with the approved provider plan on file with the Department.

B) Request for Department reallocation of funds--for underexpense of \$5,000 or 5% of a line item whichever is greater in any Department-funded program or service. As a part of the Quarterly Operating Revenue/Expense Report, the provider shall submit an explanation of the underexpense and a justification to support the reallocation of funds to the subsequent quarter(s).

4) The Department will review the fund recipient's reasons for requesting the retention of the funds. If the reasons meet Department funding priorities as set forth in the award document and the Provider is capable of utilizing the lapsed funds in accordance with its provider plan or any approved modification thereto, the Department shall approve the reallocation and inform the fund recipient and shall work with the recipient in the development of any required documentation.

5) If the Department does not approve the reallocation, it shall inform the recipient of this decision and send it a Notice of Award Adjustment as soon as possible but not later than 40 days after the end of the quarter. The provider plan does not have to be revised solely because funds are lapsed. However, if the plan is revised for another reason, the revision shall accurately indicate past financial performance.

b) Agreement to lapse

1) Voluntary lapse--The fund recipient will indicate in writing that no plan to utilize the underexpense of funds exists and the award may be reduced accordingly.

2) Automatic lapse--If no justification or certification is received, the funds will be automatically lapsed.

c) Notice of lapse

1) The Department will prepare and send to the recipient a Notice of Award Adjustment as soon as possible, but no later than 40 days after the close of the quarter.

d) Recovery hearing--Grant funds which the Department determines are being improperly held or have been misapplied are subject to recovery pursuant to the Grant Funds Recovery Act (Ill. Rev. Stat. 1999, ch. 137, pars. 2301 et seq.).

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. 921.1, effective June 14, 2000, for a maximum of 150 days)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Section 2030.740 End of the Year Report (Repealed)

EMERGENCY

- a) The Interagency Statistical and Financial Report (ISFR) in a format as prescribed by the Department shall be filed by each recipient receiving a Department award of \$25,000 or more per annum. The ISFR provides common cost-reporting categories which are to be utilized by providers as they file end-of-year revenue/expense reports with the Department. Unless the Department states otherwise, funded prevention programs are not required to file an ISFR.
- b) The report shall be filed with the Department within 120 days after the end of the recipient's fiscal year. The report shall be submitted along with the recipient's independently certified audit. The revenues and expenses entered on the report must reconcile with the revenues and expenses as certified in the audit.

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. 9211, effective June 14, 2000, for a maximum of 150 days)

Section 2030.760 Exempt Recipients (Repealed)

EMERGENCY

Recipients who are not required to submit quarterly revenue/expense and/or ISFR reporting shall be required by the Department to provide records of revenue and expenses of the funded project, service or program or an audit or to maintain and make available to the Department upon request such records, as appropriate to the nature of the award agreement and the funded activity. The amount of the award and other appropriate factors. Funds which the Department determines are being improperly held or have been misspent are subject to recovery under the Grant Funds Recovery Act.

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. 9211, effective June 14, 2000, for a maximum of 150 days)

SUBPART I: MONITORING AND REPORTING OF PROGRAM PERFORMANCE

Section 2030.810 Site Visits

EMERGENCY

- a) The Department shall monitor performance under the award document and shall conduct periodic visits to each provider. The frequency of visits shall be determined by the nature, size, and complexity of the fund supported activity, and other appropriate factors by which the Department determines that on-site review is required to monitor provider performance. The site visit is for the purpose of evaluating performance under the award document. It shall focus on:

- 1) actual accomplishment of and/or progress towards goals and objectives established by the award document for the term of

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

review:

- 2) reasons why established goals and objectives were not met;
 - 3) accountability for Department funds including assessment of necessity and reasonableness of costs, budget performance, cash management, accounting practices, financial management and long range planning, analysis and explanation of cost overruns on high cost units;
 - 3a) quality and effectiveness of services provided during the term of review, including effectiveness of community networks;
 - 3b) assurance that time schedules and projected work units by time periods are being met; and
 - 3c) compliance with award document conditions.
- b) Providers shall make available to representatives of the Department all financial records, client attendance and/or service records, and case records and other documentation related to the award activities.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 9211, effective June 14, 2000, for a maximum of 150 days)

SUBPART K: TERMINATION, SUSPENSION, CLOSURE

Section 2030.1010 Definitions (Repealed)

EMERGENCY

The following definitions shall apply for the purpose of this Subpart:

- a) Termination
the termination of an award agreement means cancellation in whole or in part at any time prior to the date of completion of the agreement;
- b) Suspension
the suspension of an award agreement is an action by the Department that temporarily suspends the award agreement pending corrective action by the recipient or pending a decision to terminate the award agreement.

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. 9211, effective June 14, 2000, for a maximum of 150 days)

Section 2030.1020 Unilateral Termination (Repealed)

EMERGENCY

In addition to and notwithstanding provisions herein below, the Department or a recipient may terminate any award or part thereof upon thirty (30) days written notice to that effect for any other time period as agreed to by the parties forwarded to the other party. The notice shall set forth the effective date of the termination and shall be addressed to the person who assigned the award document at the address indicated therein unless such person or address has been changed by written notice to the Department. Notice to the Department shall be addressed to the Secretary.

DEPARTMENT OF HUMAN SERVICES
NOTICE OF EMERGENCY AMENDMENTS

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. 921 1 3, effective June 14, 2000, for a maximum of 150 days)

Section 2030.1030 Termination by Agreement (Repealed)
EMERGENCY

Parties to the award document may terminate the agreement in whole or in part when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated.

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. 921 1 3, effective June 14, 2000, for a maximum of 150 days)

Section 2030.1040 Termination or Suspension for Cause (Repealed)
EMERGENCY

a) The Department may terminate or suspend any award agreement in whole or in part at any time before the date of completion whenever it is determined that the recipient has failed to comply with conditions, standards or terms of the award document or of this Part. The Department shall promptly notify the recipient in writing of the determination and the reasons for the termination together with the effective date. Payments made to recipients or recoveries by the Department under the award terminated for cause shall be in accordance with the legal rights and liabilities of the parties. When the Department has determined that a recipient has failed to comply with the terms of this Part or of the award document it may:

- 1) Suspend assistance pending corrective action by the recipient;
- 2) Suspend assistance pending a decision to terminate the award by the Department as set forth below;
- 3) Terminate the assistance as set forth below;
- 4) Take such other remedies as may be legally available and appropriate in the circumstances.
- b) If a recipient is supported over two or more funding periods, an award may be suspended or terminated in the current period for failure to submit a report still due from a prior period.
- c) In determining whether to take any of the above actions, the Department will balance the severity of the failure to comply against the deprivation of services to clients. Factors to be considered are:
 - 1) Availability of alternative treatment services;
 - 2) The recipient's ability to continue to provide services in accord with the agreement;
 - 3) The period of time for which services would be interrupted due to non-compliance; and
 - 4) Pending civil, administrative, or criminal actions.

DEPARTMENT OF HUMAN SERVICES
NOTICE OF EMERGENCY AMENDMENTS

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. 921 1 3, effective June 14, 2000, for a maximum of 150 days)

Section 2030.1050 Actions on Termination (Repealed)
EMERGENCY

When an award is terminated, the recipient shall:

- a) Not incur new obligations for the terminated part and shall cancel as many outstanding obligations as possible. The Department shall allow payments for noncancelable authorized costs incurred pursuant to the performance of the award prior to termination;
- b) Hold any and all Department funds not expended under the award in trust for the benefit of, and subject to the direction of, the Department;
- c) Furnish to the Department such report(s) as may be requested by it based upon work completed under the provisions of the award. These reports include financial, clinical, medical, and administrative information, whether derived from manual or automated systems.

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. 921 1 3, effective June 14, 2000, for a maximum of 150 days)

Section 2030.1060 Suspension Process (Repealed)
EMERGENCY

Suspension shall be pursuant to notice and opportunity to show cause why the award should not be suspended. However, in situations as set forth in Section 2030.1060 of this Part, the Department may summarily suspend the award.

a) Notice of intent to suspend the Secretary of the Department or his designee shall notify the recipient in writing and by phone of its intent to suspend the award in whole or in part. Such notice shall be provided as set forth in Section 2030.1220. The written notice of intent to suspend shall set forth the reasons for the suspension, any corrective action which may be deemed reasonable and the effective date of the suspension. The effective date shall be reasonable based on the requirements and seriousness of the situation. The Department shall also send a copy of the notice to any entity whose activities or failures to act have substantially contributed to the proposed suspension and shall inform such entity that it is entitled to submit written material or to participate in any informal meeting which may be required. In addition, the Department may use discretion to give such notice to any entity.

b) Response
The written notice of intent to suspend shall also notify of the right to request in writing an informal meeting at which the recipient may respond and attempt to show why the suspension should not occur, and the supporting documentation should be submitted in a timely manner to

DEPARTMENT OF HUMAN SERVICES
NOTICE OF EMERGENCY AMENDMENTS

the Department. A reasonable period of time within which to submit documentation and request a meeting shall be stated in the notice. If no event shall the deadline be less than seven days after the notice was sent nor shall the recipient be given a period of time long enough to be a detriment to the Department.

e) Informal Meeting

If the recipient requests a meeting, the Department shall set a time and place which shall not be less than seven days after the recipient's request and not long enough to be a detriment to the Department. The Department may also establish a time and place for such a meeting if none is requested and notify the recipient. The meeting shall in no event be less than seven days after the notice of intent to suspend, except by agreement.

d) Decision

The Secretary or his designee shall consider any material presented to him in writing and in a timely fashion, any material presented to him during the course of the informal meeting and any showing that the recipient has adequately corrected the deficiency which led to the initiation of suspension proceedings. If, after considering the material presented to him, he concludes the recipient has failed to show cause why assistance should not be suspended, he may suspend assistance in whole or in part under such terms and conditions as he shall specify.

e) Notice of Suspension

Notice of such suspension shall be promptly transmitted to the recipient and shall become effective upon delivery, continuing until such time as the Department gives notice pursuant to this Part that the award is terminated or the suspension lifted. During a period of suspension no new expenditures shall be made and no new obligations shall be incurred in connection with the suspended program except as specifically authorized in writing by the Department. Expenditures to fulfill legally enforceable commitments made prior to the notice of suspension in good faith and in accordance with the Provider's approved work program and not in anticipation of suspension or termination shall not be considered new expenditures. However, funds shall not be recognized as committed solely because the recipient has obligated them by contract or otherwise to an agency.

f) Termination of Suspension

The Secretary or his designee may, in his discretion, modify the terms, conditions and nature of the suspension or rescind the suspension action at any time on his own initiative or upon a showing satisfactory to him that the recipient has adequately corrected the deficiency which led to the suspension and that repetition is not threatened. Suspensions partly or fully rescinded may, in the discretion of the Department, be reimposed with or without further proceedings.

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. 9211-3

DEPARTMENT OF HUMAN SERVICES
NOTICE OF EMERGENCY AMENDMENTS

effective June 14, 2000, for a maximum of 150 days)

Section 2030.1070 Summary Suspension (Repealed)

EMERGENCY

a) The Secretary may suspend assistance without the prior notice and opportunity to show cause provided in Section 2030.1069 if he determines in his discretion that immediate suspension is necessary because of a serious risk of:

- A) substantial injury to or loss of funded project funds or property or
- B) violation of a Federal, State or local statute or
- C) violation of Department rules, regulations, guidelines and instructions.

and such risk is sufficiently serious to outweigh the general policy in favor of advance notice and opportunity to show cause.

b) Notice of summary suspension shall be given pursuant to Section 2030.1020 or by hand delivery to the recipient and shall become effective upon delivery. It shall specify the effective date of the suspension, the reason for the suspension and the extent, terms and conditions of any partial suspension. The notice shall also forbid the recipient from making any new expenditures or incurring any new obligations in connection with the suspended portion. Expenditures to fulfill suspension in good faith and in accordance with the recipient's approved work program and not in anticipation of suspension or termination shall not be considered new expenditures. However, funds shall not be recognized as committed by a Provider solely because the recipient obligated them by contract or otherwise to an agency.

c) The written notice of summary suspension shall also advise the recipient may request in writing an opportunity to show cause why the summary suspension should be rescinded. Within seven days after receiving such request from the recipient the Department shall set a time and place for an informal meeting wherein the recipient may attempt to show cause why the summary suspension should be rescinded. The informal meeting shall be conducted as set forth in Section 2030.1070(c)(1)-(d) and (e). Notwithstanding the provisions of this subsection, the Department may proceed to initiate termination proceedings at any time even though the award has been suspended in whole or in part.

d) Copies of the notice of summary suspension shall be furnished by the recipient to agencies in the same manner as notices of intent to suspend as set forth in Section 2030.1037(a). Agencies may submit written material to the responsible Department official or participate in the informal meeting.

e) If the recipient requests an opportunity to show cause why a summary suspension action should be rescinded, the suspension of assistance shall continue in effect until the recipient has been afforded such

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

opportunity--and--a--decision--has--been--made--Such--a--decision--shall--be made--within--seven--days--after--the--conclusion--of--the--informal--meeting referred--to--in--subsection--(c)--If--the--Secretary--or--his--designee concludes--after--considering--all--material--in--support--of--rescinding--the suspension--he--may--continue--the--suspension--in--effect--for--an--additional seven--days--provided--however--that--if--termination--proceedings--are initiated--the--summary--suspension--of--assistance--shall--remain--in--full force--and--effect--until--all--termination--proceedings--have--been--fully concluded.

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. 921, effective June 14, 2000, for a maximum of 150 days)

Section 2030.1080 Termination For Cause Process (Repealed)

EMERGENCY

a) Notice of Intent to Terminate

If the Secretary finds, pursuant to evidence submitted to him, that there is a failure by a recipient to comply with terms and conditions of an award document or with this Party or with issued guidelines, instructions or work plans, which failure is sufficient to warrant termination of assistance in whole or in part, the Secretary or his designee shall notify the recipient in writing and by phone of its intent to terminate in whole or in part. Such notice of intent to terminate shall be provided as set forth in Section 2030.1220 and shall include what is required by and otherwise comply with Section 2030.1070(a):

b) Termination Date

Unless the Department determines otherwise, termination shall become effective no later than thirty days after the Notice of Intent to Terminate, regardless of whether a hearing has been set or requested. If the recipient prevails at a hearing after termination, the award shall then be reinstated.

c) Request for Hearing

The Notice of Intent to Terminate shall either set a time and place for hearing, which is no less than seven days from the date of notice or advise of the right to request a hearing within a period of time which is no less than seven days from the date of notice. The request shall be made in writing to the Secretary. If no hearing is set and no request is made, the Department shall terminate when it deems appropriate and immediately notify the recipient of the termination in writing as set forth in subsection (a). If a request is made, the Department shall set a reasonable time and place for hearing and shall notify the recipient in writing no less than seven days prior to the date. The date of the hearing shall cause as little prejudice to the recipient and Department as possible within two days after its receipt of a Notice of Intent to Terminate and a notice of hearing. The recipient shall send a copy of it to all agencies which would be

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

financially affected by the termination and to each agency identified in the notice pursuant to subsection (a). The recipient shall send the Department a list of all agencies notified and the date of notification.

d)

The hearing shall afford the recipient a full and fair opportunity to demonstrate that it is in compliance with requirements specified in its award document, this Party and issued guidelines and instructions. The Department shall have the burden justifying the proposed termination action. However, the recipient shall have the burden of proving that action as required by its award document, this Party issued guidelines and instructions was timely taken.

If the Department has initiated termination proceedings because of the activities of an agency that agency may participate in the hearing as matter of right. Any other agency, person or organization that wishes to participate in the hearing may request permission to do so in writing from the presiding officer of the hearing. Such participation shall not alter without the consent of the Department and the recipient the time limitation for the delivery of papers and other procedures set forth herein.

The results of the proceedings and any measure taken thereafter by the Department pursuant to this Part shall be fully binding upon the recipient and all agencies whether or not they actually participate in the hearing.

i) Presiding Officer

The presiding officer at the hearing shall be a Department official designated by the Secretary or a hearing officer of the Department. The officer shall conduct a full and fair hearing avoid delay, maintain order and make a sufficient record for a full and true disclosure of the facts and issues to accomplish these ends. He shall have all powers authorized by law and may make all procedural and evidentiary rulings necessary for the conduct of the hearing. The hearing shall be open to the public unless the presiding officer for good cause shown shall determine otherwise. He shall allow persons to participate as deemed necessary to determine the issues.

2)

Presentation of Evidence

The Department and the recipient shall present oral and/or documentary evidence, rebuttal and conduct such examination as required for full and true disclosure of facts bearing on the issues which shall be those stated in the Notice of Intent to terminate. All papers shall be filed with the presiding officer and sent to other parties prior to filing. Technical rules of evidence shall not apply but the presiding officer shall apply rules or principles designated to ensure production of relevant competent evidence and to subject testimony to such examination and cross examination as may be required for a full and true disclosure of the facts. The presiding officer may

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

exclude irrelevant, immaterial or unduly repetitious evidence. A transcript may be made for the oral evidence and shall be made available to any participant upon payment of the prescribed costs. All documents and other evidence submitted shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. Parties shall be allowed to submit proposed findings and conclusions orally or in writing.

- 3) Proposed finding
The presiding officer shall set forth his proposed findings of fact and conclusions and recommendation for termination in whole or in part and terms or conditions thereof. Such proposal shall be served upon the parties and the Secretary. Within 15 days a party may submit in writing exceptions to the proposal.
- 4) Decision
The Secretary shall, upon review of all submitted materials and the oral testimony, either accept the presiding officer's proposal or increase, modify, vacate, reify or mitigate the sanction or remand to the officer for further consideration so long as his decision is consistent with the record.

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. 921.1, effective June 14, 2000, for a maximum of 150 days)

SUBPART L: PROPERTY MANAGEMENT STANDARDS

Section 2030.1110 Scope (Repealed)

EMERGENCY

This subpart prescribes policies and procedures governing title use and disposition of real property and tangible personal property whose acquisition cost was borne in whole or in part with award funds, and ownership and rights for intangible personal property developed under the grants. The fund recipient shall be authorized to use its own property management standards and procedures as long as the provisions of this subpart are met.

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. 921.1, effective June 14, 2000, for a maximum of 150 days)

Section 2030.1120 Definitions (Repealed)

EMERGENCY

The following definitions apply for the purpose of this Subpart:

- "Acquisition" of property includes purchase, construction, or fabrication of property.
- "Acquisition cost" of non-expendable personal property acquired by

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

purchase means the net invoice price of the property, including any attachments, accessories or auxiliary apparatus necessary to make the property usable for the purpose for which it was acquired. Ancillary charges such as taxes, duty, protective in-transit insurance, freight or installation shall be included or excluded from acquisition cost in accordance with the grantee's regular accounting practices.

"Expendable personal property" means any tangible personal property other than non-expendable property.

"Non-expendable personal property" means tangible personal property having a useful life of more than one year and an acquisition cost of \$500 or more per unit. A fund recipient may use its own definition of non-expendable personal property provided that such definition would at least include all tangible personal property as defined herein.

"Personal property" means property of any kind except real property. It may be tangible, having physical existence, or intangible, having no physical existence, such as patents, inventions, and copyrights.

"Real property" means land and improvements, structures and appurtenances thereto, excluding movable machinery and equipment.

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. 921.1, effective June 14, 2000, for a maximum of 150 days)

Section 2030.1130 Real Property (Repealed)

EMERGENCY

a) Title to real property whose acquisition cost was borne in whole or in part by Department award funds shall vest in the fund recipient upon acquisition. The recipient shall maintain as part of its records details of the Department's percentage of participation in the cost at acquisition.

b) The use and disposition of such property shall be subject to the following requirements, in addition to any other requirements imposed by the terms and conditions of the award:

- 1) The fund recipient shall use the real property for the purpose authorized by the original award as long as needed;
- 2) The fund recipient shall obtain approval by the Department for the use of the real property in other projects or services when the fund recipient determines that the property is no longer needed for the original award purposes. Approval will be granted for use in projects consistent with the purpose of the original award and may be granted for purposes consistent with Department goals and objectives;
- 3) When the real property is no longer needed as provided in (1) and

DEPARTMENT OF HUMAN SERVICES
NOTICE OF EMERGENCY AMENDMENTS

(2) above, the fund recipient shall return all real property furnished or purchased wholly with Department award funds to the control of the Department in the case of property purchased in part with Department award funds; the fund recipient shall compensate the Department for its fair share of the property by applying the percentage of the property shall be the amount computed in the total cost of the award project or program for which the property was acquired to the current fair market value of the property if the property is retained or to the proceeds from sale (after deducting actual and reasonable selling and fix-up expenses if any from the sales proceeds). When the recipient is authorized or required to sell the property, proper sales procedures shall be established that provide for competition to the extent practicable and result in the highest possible return. In cases in which real property was acquired under a grant whose purpose was to assist the grantee in acquiring the property (e.g., a construction grant), the total cost of the project or program for which the property was acquired will ordinarily be the same as the acquisition cost of the property.

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. 9211, effective June 14, 2000, for a maximum of 150 days)

Section 2030.1140 Non-Expendable Personal Property (Repealed)

EMERGENCY

a) Gifts-use-and-disposition

When non-expendable personal property is acquired by a fund recipient wholly or in part with Department funds, title will not be taken by the Department except as provided herein but shall be vested in the fund recipient subject to the following restrictions on use and disposition of the property:

1) The fund recipient shall retain the property acquired with Department funds in the award project program or service as long as there is a need for the property to accomplish the purpose of the award whether or not the program or service continues to be supported by the Department funds. When the fund recipient determines there is no longer a need for the property to accomplish the purpose of the award, the fund recipient may use the property in connection with other awards it has received from the Department.

2) When the fund recipient no longer has need for the property to accomplish the purpose of the original Department award, the property may be used for its own activities in accordance with the following standards:

A) Non-expendable personal property with an acquisition cost of less than \$500 and used four years or more the fund

DEPARTMENT OF HUMAN SERVICES
NOTICE OF EMERGENCY AMENDMENTS

recipient may use the property for its own activities without reimbursement to the Department or sell the property and retain the proceeds.

B) All other non-expendable property the fund recipient may retain the property for its own use provided that a fair compensation is made to the Department for the latter's share of the property. The amount of compensation shall be computed by applying the percentage of Department participation in the award project or program to the current fair market value of the property.

C) If the fund recipient has no need for the property, the Department shall be contacted for instruction regarding disposition. The Department may instruct that the property be sold and the Department may compensate by applying the percentage of its participation to the sale proceeds, less reasonable selling fees. The Department may also instruct where reasonable that title be transferred to the Department or a third party named by the Department.

b) Management

The fund recipient's property management standards for non-expendable personal property shall also include the following procedural requirements:

1) Property records shall be maintained accurately and provide for a description of the property, manufacturer's serial number or other identification number, acquisition date and cost, purchase or property location, use, and condition of the property, and ultimate disposition data including sales price or the method used to determine current fair market value if the fund recipient reimburses the Department for its share.

2) A physical inventory of property shall be taken and the results reconciled with the property records at least once every two years to verify the existence, current utilization, and continued need for the property.

3) A formal inventory control system shall be in effect to provide safeguards to prevent loss, damage or theft to the property. Any loss, damage or theft of non-expendable property shall be investigated and fully documented.

4) Maintenance procedures shall be implemented to keep the property in good condition.

5) Sales procedures shall be established for unneeded property which would provide for the property to the extent practicable and result in the highest possible return.

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. 9211, effective June 14, 2000, for a maximum of 150 days)

Section 2030.1150 Expendable Personal Property (Repealed)

EMERGENCY

9211

DEPARTMENT OF HUMAN SERVICES
NOTICE OF EMERGENCY AMENDMENTS

When the total inventory value of any unused expendable personal property exceeds \$1000 in total aggregate fair market value at the expiration of need for any Department award purposes, the fund recipient shall retain the property or sell the property and compensate the Department for its share in the cost. The amount of compensation shall be computed the same as for non-expendable personal property.

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. effective June 14, 2000, for a maximum of 150 days)

9244- 00

SUBPART M: GENERAL PROVISIONS REGARDING AWARD PERFORMANCE

Section 2030.1215 Conflict of Interest (Repealed)

EMERGENCY

- a) Fund recipients shall establish safeguards to prevent employee consultants, agents, and members of governing bodies from using their positions for purposes that are or give the appearance of being motivated by a desire for private gain for themselves or others, such as those with whom they have family, business or other ties. Therefore, each fund recipient receiving Department support must have written guidelines for staff members (administrators, faculty members, professional staff, or employees) and other associated individuals (such as consultants) indicating the conditions under which outside activities, relationships, or financial interests are proper or improper and providing for notification of these kinds of activities, relationships, or financial interests to a responsible and objective officer of the fund recipient.
- b) Information from a fund recipient concerning the extent of any staff member or associated individual's interest or participation in activities, relationships or financial interests regarding the fund recipient shall be made available to the Department upon request when there exists a situation which creates the appearance of the possibility of a conflict of interest.

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. effective June 14, 2000, for a maximum of 150 days)

9244- 00

Section 2030.1225 Personnel Administration (Repealed)

EMERGENCY

Personnel policies and procedures shall be set forth in writing and be available for review by the Department. They shall comply with applicable State and Federal laws and regulations, including but not limited to those in Section 2030.1205(a).

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. effective June 14, 2000, for a maximum of 150 days)

9244- 00

DEPARTMENT OF HUMAN SERVICES
NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Criteria of the Evaluation of Programs of Services in Community Rehabilitation Agencies

2) Code Citation: 89 Ill. Adm. Code 530

3) Section Numbers: 530.110
Proposed Action: Amend

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and authorized by Section 5-625 of the Civil Administration Code of Illinois [20 ILCS 5/5-625].

5) Effective Date of Amendments: June 14, 2000

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

7) Date filed with the Index Department: June 14, 2000

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: Currently, the Department of Human Services has no united or consistent compliance standards for fiscal/administrative recordkeeping for the more than 2000 providers used to serve individuals in need. This type of fiscal accountability is directly related to the welfare of the people receiving services. Without consistent fiscal and administrative standards and accountability, DHS cannot guarantee adequate service delivery to its clients. This rulemaking and the related amendments and repeals will avoid jeopardizing the expenditure of public funds and strengthen the Department's relationship with service providers by replacing the rules of the legacy agencies with this common and uniform rule.

10) A Complete Description of the Subject and Issues Involved: This proposed rulemaking is part of the Department of Human Services actions to provide a uniform set of specific expectations in the area of Fiscal and Administrative Recordkeeping and Requirements for DHS service providers. There are approximately 2000 community agencies under contract to deliver services to DHS clients. Since the inception of the Department these agencies have been subject to a variety of administrative rule requirements regarding fiscal and administrative practices. This rulemaking, along with the amendment or repeal of current DHS rules, will provide these rules.

11) Are there any other amendments pending on this Part? No

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate

13) Information and questions regarding this amendment shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 530

CRITERIA FOR THE EVALUATION OF PROGRAMS OF
SERVICES IN COMMUNITY REHABILITATION AGENCIES

SUBPART A: INTRODUCTION

Section	
530.1	Definitions
530.5	Applicable Standards
530.10	Evaluation Procedure
530.20	Recommended Procedures In Preparation For And During The On-Site Visit (Repealed)

SUBPART B: PROGRAM STANDARDS

Section	
530.100	Available Programs of Service (Repealed)
530.105	Instructions for Completing the Criteria (Repealed)
530.110	Organization & Administration
EMERGENCY	
530.120	Personnel (Repealed)
530.130	Programs and Services
530.140	Safety
530.150	Other (Repealed)

SUBPART C: CONTRACTS WITH COMMUNITY REHABILITATION AGENCIES

Section	
530.200	Disposition of Referrals
530.230	Program Outcomes
530.240	Designated Program Week
530.250	Types of Contracts
530.260	Fiscal and Administrative Standards

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].

SOURCE: Adopted at 2 Ill. Reg. 52, p. 481, effective December 29, 1978; codified at 7 Ill. Reg. 3200; amended at 13 Ill. Reg. 141, effective December 27, 1988; emergency amendment at 17 Ill. Reg. 11701, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20380, effective November 15, 1993; recodified from the Department of Rehabilitation Services to the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 1466, effective December 13, 1999; emergency amendment at 24 Ill. Reg. 9248, effective June 14, 2000, for a maximum of 150 days.

SUBPART B: PROGRAM STANDARDS

Section 530.110 Organization & Administration

EMERGENCY

a) Corporate Status

The agency must be a legally constituted corporate entity or an entity operated by a state or political subdivision of a state under an appropriate federal, state or local statute.

b) Governing Body

1) The governing body's responsibility for establishing the organization's mission, policies, and necessary financial support must be in writing.

2) The membership of the governing body shall be broadly representative of the community. Suggested representation would include business, education, accounting, and consumer.

3) The governing body shall employ a full-time Director and delegate to that person the authority and responsibility for the management of the agency in accordance with established policies.

4) The governing body or its executive committee, the Director, and invited staff shall meet at least quarterly.

5) The governing body shall review and approve the agency budget and the independent, certified audit, annually and the income and expense reports at least quarterly.

6) As part of the constitution or bylaws, the governing body shall have a policy guarding against possible conflicts of interest between its members and the operation of the agency.

7) The agency must have insurance to protect assets and to ensure compensation for staff, individuals with disabilities, volunteers, and the public, in the event such compensation would be required for occurrences for which the agency is liable. There shall be documentation that the governing body reviews the insurance profile annually after consultation with professional insurance representatives.

c) Administration

1) The agency shall complete an annual written evaluation of all its programs and services that shows evidence of:

- A) maintenance of safe and accessible program;
- B) a review of the quality and appropriateness of the services offered;
- C) a review of the effectiveness of the services as measured by outcomes achieved; and
- D) customer satisfaction with the services received and employment outcomes achieved.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

2) Staff shall receive in-service training in accordance with the agency's policies and procedures.

3) The agency shall employ staff members in such numbers and of such types to meet the needs of the individuals served in a manner consistent with the purposes and objectives of the organization.

4) The agency shall have public information materials that identify:

- A) the programs and services available;
- B) the population to be served;
- C) how programs and services can be obtained; and
- D) its non-discrimination policy.

d) Federal and State Regulations

1) The agency shall offer programs and services that are accessible to persons with disabilities in accordance with Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794), the Americans with Disabilities Act (42 USC 12001), and the Illinois Accessibility Code (71 Ill. Adm. Code 400).

2) The agency shall engage in an Affirmative Action Program that provides documentation of its non-discrimination policy and staff characteristics as required by Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794).

3) The agency shall show evidence of compliance with both federal and State Department of Labor rules and regulations governing wage reimbursement and the Workers' Compensation Act (820 ILCS 305).

4) The agency shall comply with the Department of Human Services rules regarding Fiscal/Administrative Recordkeeping and Requirements (69 Ill. Adm. Code 509).

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 9245, effective June 14, 2000, for a maximum of 150 days)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Fiscal/Administrative Recordkeeping and Requirements
- 2) Code Citation: 89 Ill. Adm. Code 509
- 3) Section Numbers:

509.10	Emergency Action:
509.15	New Section
509.20	New Section
509.30	New Section
509.40	New Section
509.50	New Section
509.60	New Section
509.70	New Section
509.80	New Section
509.90	New Section
509.100	New Section
509.110	New Section
- 4) Statutory Authority: Implementing and authorized by the Department of Human Services Act [20 ILCS 1305].
- 5) Effective Date of Rulemaking: June 14, 2000
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

7) Date filed with the Index Department: June 14, 2000

8) A copy of the emergency rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: Currently, the Department of Human Services has no united or consistent compliance standards for fiscal/administrative recordkeeping for the more than 2000 providers used to serve individuals in need. This type of fiscal accountability is directly related to the welfare of the people receiving services. Without consistent fiscal and administrative standards and accountability, DHS cannot guarantee adequate service delivery to its clients. This rulemaking and the related amendments and repeals will avoid jeopardizing the expenditure of public funds and strengthen the Department's relationship with service providers by replacing the rules of the legacy agencies with this common and uniform rule.

10) A Complete Description of the Subject and Issues Involved: This proposed rulemaking provides a uniform set of specific expectations in the area of Fiscal and Administrative Recordkeeping and Requirements for DHS's service providers. There are approximately 2000 community agencies under contract

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY RULES

to deliver services to DHS clients. Since the inception of the Department these agencies have been subject to a variety of administrative rule requirements regarding fiscal and administrative practices. This rulemaking, along with the amendment or repeal of current DHS rules, will provide these rules.

- 11) Are there any other rules pending on this Part? No
- 12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate
- 13) Information and questions regarding this rulemaking shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Rules begins on the next page:

DEPARTMENT OF HUMAN SERVICES
NOTICE OF EMERGENCY RULES

TITLE 89: SOCIAL SERVICES
CHAPTER XX: DEPARTMENT OF HUMAN SERVICES

PART 509
FISCAL/ADMINISTRATIVE RECORDKEEPING
AND REQUIREMENTS

Section
509.10 Purpose
EMERGENCY
509.15 Definitions
EMERGENCY
509.20 Allowable/Unallowable Costs
EMERGENCY
509.30 Fiscal Requirements/Management
EMERGENCY
509.40 Accounting Requirements
EMERGENCY
509.50 Funding Suspension
EMERGENCY
509.60 Cancellation of Award/Agreement
EMERGENCY
509.70 On-Site Fiscal/Administrative Reviews
EMERGENCY
509.80 Administrative Requirements
EMERGENCY
509.90 Compliance with Life Safety Standards and Requirements
EMERGENCY
509.100 Prompt Payment Act
EMERGENCY
509.110 Accreditation
EMERGENCY

AUTHORITY: Implementing and authorized by the Department of Human Services Act [20 ILCS 1305].

SOURCE: Adopted by emergency rulemaking at 24 Ill. Reg. effective June 14, 2000, for a maximum of 150 days.

Section 509.10 purpose
EMERGENCY

General - This Part applies to all agencies providing services to the Department and its clients. This Part applies to all Department services and funds, including matching funds, if required as a prerequisite to receiving Department funds. The rule establishes minimum standards for fiscal and administrative recordkeeping. Individual programs and offices within the

DEPARTMENT OF HUMAN SERVICES
NOTICE OF EMERGENCY RULES

Department may establish additional requirements specific to their area. In the event of a conflict between this Section and program requirements, the more restrictive interpretation will apply. This Part may not be modified or waived unless provided for within the rule or unless necessary to comply with federal/State laws, regulations, or executive or administrative orders, or unless they are in violation of a valid judicial order or decision.

Section 509.15 Definitions
EMERGENCY

"Accreditation" - means a process establishing that a program complies with nationally recognized standards of care set by one of the following:

Accreditation Manual for Hospitals (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1993);

Manual on Agency Accreditation (Council of Accreditation of Services for Families and Children (COA), 520 Eighth Avenue, Suite 2202B, New York, New York 10018, 1993);

Mental Health Standards (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1993);

Standards for Services for People with Developmental Disabilities (The Council on Quality and Leadership in Supports for People with Disabilities (The Council), 100 West Road, Suite 406, Towson, Maryland 21204, 1990);

Standards Manual for Organizations Serving People with Disabilities (Commission on Accreditation of Rehabilitation Facilities (CARF), 101 North Wilmet Road, Suite 500, Tuscon, Arizona 85711, July 1992).

"Agency" - means the individual or organization with whom the Department has a contract/agreement for services. The term Provider is synonymous with agency.

"Arm's Length Transaction" - means a transaction between two parties, with neither party having the ability to control or exercise significant influence over the other party in the making or implementing of financial and operational decisions.

"Day" - means a calendar day.

"Deemed Status" - means an agency has been accredited by an approved

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY RULES

accrediting body as identified in Section 509.110. The Department may deem the agency to be in substantial compliance with all or part of Sections 509.30 and 509.80 at the sole discretion of the Department. Deemed status, however, may be nullified by a finding by the Department that the agency is in substantial non-compliance with one or more of the designated Sections of this Part.

"Department" - means the Illinois Department of Human Services.

"Fee-for-Service" - means payments are made on the basis of a rate, unit cost or allowable cost incurred and are based on a statement or bill as required by the Department. Payments made as a fee-for-service are not subject to the Illinois Grant Funds Recovery Act [30 ILCS 705].

"Grant" - means a program receives all or part of the funding in advance of the actual delivery of services. This includes prorated prospective payments and payments made by the Department on an estimated basis or any other basis when the Department does not know the actual amount earned by the provider. This does not include advance payments made under the authority of Section 9.05 of the State Finance Act [30 ILCS 105/9.05]. All funds paid as a grant are subject to the Illinois Grant Funds Recovery Act [30 ILCS 705].

"Secretary" - means the Secretary of the Illinois Department of Human Services.

Section 509.20 Allowable/Unallowable Costs

EMERGENCY

Allowable/Unallowable Costs - Costs associated with Department programs are assumed to be allowable unless they are specified as unallowable by other Parts of Department rules, or by federal regulation or by individual program policies or directives of the Department.

4) Expenses reimbursable from Department funds:

1) In general, expenses meeting all of the following criteria are reimbursable from Department funds if the expenses are:

A) Necessary and related to the provision of program services;
B) Reasonable to the extent that a given cost is consistent with the amount paid by similar agencies for similar services;

C) Not specified in subsection (b) of this Section as not reimbursable; and
D) Not illegal.

2) All expenses that can be identified to a specific Department-funded program shall be charged directly to that program. Expenses not directly identifiable to a Department-funded program shall be allocated to all benefiting

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY RULES

programs, both Department-funded and other programs. Providers are required to maintain a cost allocation plan, in accordance with Section 509.40(c), if they receive more than one source of funding or operate more than one program.

3) Research expenses, if prior written approval is received from the Department. Program evaluation expenses are not considered research expenses.

b) Expenses not reimbursable from Department funds, unless prior written authorization is received from the Department:

1) Compensation for members of the agency's governing body. This does not include reimbursement for travel or other agency related business expenses incurred by these members;

2) Expenses related to entertainment of persons other than individuals who receive services through a Department program;

3) Individual staff or agency association dues are not reimbursable except for the following situations:

A) Dues for group purchasing relationships for the exclusive purpose of cost saving on purchases.

B) Dues for membership that provide agency staff with professional training and resources necessary to provide services funded by the Department;

4) Costs of attending professional meetings; e.g., association meetings and conventions are not allowable except for the portion of costs related to activities to enhance or improve services funded by the Department. (Costs for staff attendance at in-service training seminars and workshops can be reimbursed.);
5) Fund-raising expenses;

6) Bad debts;

7) Charity and grants (The cost of employee educational assistance can be reimbursed.);

8) The following types of interest expenses:

A) Interest on funds borrowed for investment purpose;
B) Interest on funds borrowed to create more than two months of working capital;

C) Interest on funds borrowed for the personal benefit of any person;

D) Interest on funds borrowed without a prior time-limited written agreement with the Department for the purchase of land, buildings and/or equipment for future expansion, until such assets are actively used in support of program services;

E) Interest in excess of the current market rate paid to individuals or organizations in less than "arm's length" transactions;

F) Interest charges on intra-agency fund loans, e.g., interest recorded in the capital fund on cash loaned to the operating fund;

G) Interest expense to the extent that interest income was

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY RULES

realized by investment of excess operating funds, (i.e., interest expense must first be offset against interest income) and any remaining interest expense is eligible for reimbursement from Department grant funds:

- 9) The use of Department funds to develop commodity or equipment inventories. The usage of commodity inventories and depreciation on fixed assets are expenses that are eligible for reimbursement from Department funds;
- 10) Depreciation on fixed assets acquired with Department funds;
- 11) Cost of production of a work program. When the product of a Department-funded work program is saleable, the expenses of individual's wages and fringe benefits and of material costs are not reimbursable from Department funds;
- 12) In-kind contributions;
- 13) Alcoholic beverages;
- 14) The portion of the cost of automobiles furnished by the organization related to personal use by employees, including transportation to and from work, is unallowable as a fringe benefit or indirect cost;
- 15) Costs of fines, penalties, legal services, resulting from or in relation to the failure of the provider to comply with federal, state, and local laws and regulations, are unallowable, except when incurred as a result of compliance with specific provisions of a Department award or program or instructions in writing from the Department;
- 16) Goods or services for personal use or purchased at less than an "arm's length" transaction for an amount greater than the fair market value;
- 17) The cost associated with lobbying any elected official of local, state or federal government is unallowable, including:
 - A) Expenses incurred in attempts to influence the outcome of any federal, state, or local election, referendum or initiative;
 - B) Expenses incurred in attempts to influence the introduction, enactment, or modification of federal or state legislation; and
 - C) Expenses incurred in connection with legislative liaison activities when such activities are carried on in support of, or in preparation for, unallowable lobbying. Cost associated with providing technical and factual information on a topic directly related to the performance of a program funded by the Department, through hearing testimony, statement or letters to elected officials or representative body, are not considered lobbying cost and are allowable;

18) Relocation cost of provider employees, except in the following situations:

- A) The move is for the benefit of the employer;
- B) Reimbursement to the employee is in accordance with an

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY RULES

established written policy consistently followed by the employer; and

C) The reimbursement does not exceed the employee's actual (or reasonably estimated) expenses;

- 19) Gratuities;
- 20) Political contributions;
- 21) Related party transactions except for the following situations:
 - A) When the goods and services purchased are consistent with fair market value; and
 - B) There is evidence of approval in the minutes of the governing body;
- 22) Costs associated with goods or services paid in a "conflict of interest" situation.

Section 509.30 Fiscal Requirements/Management EMERGENCY

- a) The agency shall be managed in a manner consistent with sound fiscal standards. The agency shall maintain written policies and procedures regarding its fiscal activities, including but not limited to payroll, purchasing, cash management, relevant fee schedules, contracts and risk management.
- b) An agency is required to show proof that the governing body has approved a budget at least annually. If the budget approved by the governing body indicates deficits for Department-funded programs and/or for the agency as a whole, this should be documented in the minutes of the governing body meeting. The governing body is expected to fulfill its statutory responsibility.
- c) If the agency has the responsibility for the management of funds for the individuals it serves, such funds shall be accounted for on an individual basis. Funds of an individual served by the agency may not be converted for use by the agency. The use of these funds is restricted to the direct needs and support of the individual.
- d) An agency that assesses fees/co-payments to individuals for services shall maintain a written policy for billing and collection of fees/co-payments. This policy will include a system for billing individuals with appropriate financial assistance based on the ability of the individual or the individual's responsible relative to pay. The system shall also provide a record of charges and a method of collecting third party payments.
- e) No agency shall require an individual or family member to make cash or in-kind contributions, or to provide unpaid services to the agency, beyond the fee schedule specified in subsection (d) of this Section. No agency shall suggest, imply, or give reason to believe that access to initial or continued services is contingent on, or in anyway related to, voluntary contributions by an individual or family member. Provision of service in Department-funded programs shall not be denied on the basis of the individual's inability or ability to pay unless

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY RULES

the Department requires fees/co-payments as part of the eligibility for services. Such required fees/co-payments must comply with subsection (d) of this Section.

f) An agency is permitted to establish and maintain reserve funds. However, the establishment of or addition to a reserve fund is not permitted from grant funds.

Section 509.40 Accounting Requirements**EMERGENCY**

- a) Each agency shall establish and maintain an accounting system in accordance with generally accepted accounting principles (GAAP).
- b) Accounting transactions shall be properly classified, adequately documented and recorded in appropriate books of original entry (journals), and posted to general ledgers on a monthly basis.
- c) For programs funded by the Department, expenses shall be booked by specific program. Expenses for all other programs may be booked on total. Expenses that cannot appropriately be charged to one or more specific programs shall be allocated on a reasonable basis to the various benefitting programs, both Department-funded programs and programs funded from other sources. It will be the agency's responsibility to document its program expense allocation methodology and rationale.

- d) All fiscal records shall be maintained for at least five years after the end of the fiscal year to which they relate. If need for them still remains, because of unresolved audit issues, litigation or for similar reasons, related records must be retained until the matters are completely resolved. Failure to maintain adequate records to document the expenditure of DHS funds creates a presumption in favor of the Department for recovery of the funds.

- e) All depreciation shall be computed on the straight line basis. The agency shall clearly identify in its depreciation schedule any capital assets acquired with Department grant funds.

- f) The Department may establish additional accounting requirements for specific grants or programs. Agencies receiving such grants or receiving funds for such programs shall comply with those special requirements.

Section 509.50 Funding Suspension**EMERGENCY**

- a) The Department may suspend funds to the provider for any of the following reasons:

- 1) Denying Departmental staff access to records required under this Part or any other applicable rule of the Department;
- 2) Failure to implement mutually agreed upon, written corrective actions that resulted from findings and recommendations related to a Departmental initiated review. Providers will be given a

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY RULES

reasonable amount of time to implement corrective actions. Normally this would be three to six months;

- 3) When the Department has information, either from Department fiscal/administrative reviews or from an independent audit, that leads to a reasonable conclusion that the provider is in substantial noncompliance with generally accepted accounting principles or is otherwise unable to protect and account for Department funds;

- 4) Non-compliance with the signed contract between the Department and the provider; or

- 5) Non-compliance with 99 Ill. Adm. Code 507.

- b) The provider will be notified in writing, by the Department, that funds have been suspended. Notices sent by the Department will be sent by certified or registered mail.
- c) During the period of suspension, funds earned by the provider will continue to accrue and will be released by the Department once the provider complies with the conditions that caused the funding suspension. Release of funds is contingent on the Department's authority to pay for service (e.g., reimbursement for a prior fiscal year after the close of the lapse period would be outside the Department's authority).

- d) The Department shall maintain documentation necessary to support its decision to suspend funding under this Section.

Section 509.60 Cancellation of Award/Agreement**EMERGENCY**

The Department shall maintain documentation necessary to support its decision to cancel an award/agreement under this Section. The Department may cancel the award/agreement for any of the following reasons:

- a) Substantial or material breach of the agreement;
- b) Failure to implement a mutually agreed upon, written corrective action plan within the reasonable period of time; when the corrective action was necessary to remedy serious and substantial deficiencies and weaknesses in the provider's fiscal and administrative practices;
- c) Documentation of fraudulent or criminal activity, on the part of the provider, by either the Department or other governmental or investigative bodies;
- d) Determination by the Department, based on a founded allegation, that the provider was responsible for abuse or neglect of a client in the provider's care; or
- e) Failure to take reasonable measures to protect Department funds from misappropriation, embezzlement, or conversion for uses not approved by the Department.

Section 509.70 On-Site Fiscal/Administrative Reviews**EMERGENCY**

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY RULES

- a) The Department shall conduct periodic onsite fiscal/administrative reviews of providers. The purpose of the reviews are:
 - 1) Assess compliance with the requirements of this Part; and/or
 - 2) Follow up on corrective actions and findings from previous reviews. Fiscal/administrative reviews may be conducted as independent reviews or in conjunction with other Department on-site activity. The Department will make reasonable efforts to combine fiscal/administrative reviews with other Department reviews to minimize disruption to the provider.
- b) The provider shall make available to the Department all records necessary to complete the review.
- c) The provider shall provide written corrective actions, if requested by the Department, in response to findings and recommendations resulting from a fiscal administrative review.
- d) The Department may at its option release the final report and associated documents to individuals and organizations other than the provider. Reasons for the release may include but are not limited to: freedom of information requests, as part of a criminal investigation, in response to a request from another government agency, or in response to a court order.

Section 509.80 Administrative Requirements**EMERGENCY**

The Department requires that all providers of services be able to demonstrate compliance with the following administrative activities. In those instances where these requirements are not appropriate due to the size of the agency or its legal status (e.g., not-for-profit, for-profit) the Department will consider written requests for a waiver of the specified requirement.

- a) The organization's bylaws, policies and procedures should be current. These should be reviewed and approved by the governing body of the provider and should address issues related to good business practice. Other information that should be available includes, but is not limited to, the following:
 - 1) A current organization chart.
 - 2) A list of board members and their term of office. Employees of the provider and immediate family members of provider employees may not serve as members of the board unless written permission is received from the Department. Vacancies on the board should be filled in a timely fashion. Individuals serving on the board must be able to objectively discharge their duties and may not engage in activities that could create a conflict of interest.
 - 3) Minutes of the board meetings. The board should meet at least quarterly.
 - 4) Specific written policies on:
 - A) Conflict of interest;
 - B) Fee policies and fee schedules;
 - C) Unusual incidents (i.e., sexual assault, sexual harassment,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY RULES

- abuse, neglect, death, physical injury, missing person, theft, assault, criminal conduct).
- b) Proof of incorporation status.
- c) Copies of the following reports, if applicable:
 - 1) Annual Report to the Internal Revenue Service (Return of Organization Exempt from Income Tax Form 990 or 990-EZ);
 - 2) Annual Report to the Attorney General (Charitable Organization - Form AG 990-IL).
- d) A comprehensive, written set of personnel policies that at a minimum address the following:
 - 1) Policies concerning the hiring, evaluating, and discipline of staff (including termination);
 - 2) Policies on nondiscrimination in hiring or employment on the basis of race, color, age, national origin, gender, religion, or handicap;
 - 3) Requirements for license, registration or certification by the State, if required;
 - 4) Requirements for a written job description listing duties and responsibilities;
 - 5) Requirements for an annual written evaluation;
 - 6) Method of performing background checks for paid staff as required by local, State or Federal law or regulation; and
 - 7) Policies on sexual harassment that identify employee's rights and the procedure used to file a complaint.

Section 509.90 Compliance with Life Safety Standards and Requirements**EMERGENCY**

All program facilities shall be in compliance with applicable State licensure requirements and local ordinances with regard to fire, building, zoning, sanitation, health, and safety requirements.

Section 509.100 Prompt Payment Act**EMERGENCY**

The provisions of the Prompt Payment Act apply to this Part. This Part does not constitute a waiver of the provider's rights to recover a penalty for late payment as specified in the Act.

Section 509.110 Accreditation**EMERGENCY**

- a) Providers demonstrating current accreditation status under either the Standards for Services for People with Developmental Disabilities (Council), Standards Manual for Organizations Serving People with Disabilities (CARF), Council on Accreditation of Services for Families and Children (COA), Mental Health Standards (JCAHFO), or the Accreditation Manual for Hospitals (JCAHO) may be deemed to be in

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY RULES

compliance with all or part of Sections 509.30 and 509.80 at the sole discretion of the Department.

- b) Demonstration of current accreditation shall be the responsibility of the provider.
- c) If the provider's accreditation status changes for any reason, the provider shall notify the Department of that change within 30 days after the effective date following the change.
- d) The Department may review records of the provider subject to accreditation.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Grants

- 2) Code Citation: 59 Ill. Adm. Code 103

- 3) Section Numbers:

103.25	Repealed
103.30	Repealed
103.30	Amended
103.60	Repealed
103.90	Repealed
103.100	Repealed
103.110	Repealed
103.165	Repealed
103.190	Repealed
103.210	Amended

- 4) Statutory Authority: Implementing Sections 15, 34, and 34.1 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15, 34, and 34.1] and the Community Services Act [405 ILCS 30] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].

- 5) Effective Date of Amendments: June 14, 2000

- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

- 7) Date filed with the Index Department: June 14, 2000

- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Reason for Emergency: Currently, the Department of Human Services has no united or consistent compliance standards for fiscal/administrative recordkeeping for the more than 2000 providers used to serve individuals in need. This type of fiscal accountability is directly related to the welfare of the people receiving services. Without consistent fiscal and administrative standards and accountability, DHS cannot guarantee adequate service delivery to its clients. This rulemaking and the related amendments and repeals will avoid jeopardizing the expenditure of public funds and strengthen the Department's relationship with service providers by replacing the rules of the legacy agencies with this common and uniform rule.

- 10) A Complete Description of the Subject and Issues Involved: This proposed rulemaking is part of the Department of Human Services actions to provide

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

a uniform set of rules in the area of Fiscal/Administrative Recordkeeping and Requirements for DHS service providers. There are approximately 2000 community agencies under contract to deliver services to DHS clients. Since the inception of the Department these agencies have been subject to a variety of administrative rule requirements regarding fiscal and administrative recordkeeping and requirements. This repeal of these current DHS rules is needed to implement the common DHS rule.

- 11) Are there any other amendments pending on this Part? No
- 12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate
- 13) Information and questions regarding this amendment shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield, Illinois 62762
(217) 785-5972

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 59: MENTAL HEALTH
CHAPTER 1: DEPARTMENT OF HUMAN SERVICES
PART 103
GRANTS

SUBPART A: SYSTEM DESIGN

Section	Purpose
103.10	Definitions
103.11	Incorporation by reference
103.15	Geographic service area
103.20	Agency governance (Repealed)
103.25	Conflict of interest (Repealed)
EMERGENCY	
103.30	Community operation of programs (Repealed)
103.40	General program requirements
103.50	Fiscal management (Repealed)
EMERGENCY	
103.60	Programs eligible for grants
103.65	Special organizational structures
103.70	Monitoring and evaluation
103.80	

SUBPART B: OPERATIONAL PROCEDURES

Section	Fiscal requirements (Repealed)
103.90	EMERGENCY
103.95	Grant negotiation process
103.100	Accounting requirements (Repealed)
EMERGENCY	
103.110	Allowable/non-allowable expenses (Repealed)
EMERGENCY	
103.120	Audits
103.130	Department review and hearing process
103.140	Budget application (Repealed)
103.150	Agency plan
103.160	Grant agreement and addenda
103.165	Accreditation (Repealed)
EMERGENCY	
103.170	Agency plan compliance
103.180	Prerequisites for disbursement of funds
103.190	Interruption of disbursement and grant cancellation (Repealed)
EMERGENCY	
103.200	Revenue/expense reports (Repealed)

DEPARTMENT OF HUMAN SERVICES
NOTICE OF EMERGENCY AMENDMENTS

statutes--regarding--conflict--of--interest--include--but--are--not--limited--to--the--General--Not-for-Profit--Corporation--Act--of--1966--(405--ILCS--105-105) and the--Illinois--Purchasing--Act--(30--ILCS--505);

(Source: Repealed by emergency rulemaking 24 Ill. Reg. 9263, effective June 14, 2000, for a maximum of 150 days)

Section 103.50 General program requirements
EMERGENCY

Agencies funded by the Department shall meet the following general program requirements for all funded services:

- a) Service setting
Services shall be provided in the setting most appropriate to the needs of the individual. This may include the individual's home, the agency, or the community. All settings shall be used innovatively in order to reach the target populations.
- b) Recordkeeping
 - 1) Cumulative case records including an individualized service plan shall be maintained for each person.
 - 2) The individualized service plan shall state the goals (goals) for each individual. The individual shall be afforded the opportunity and encouraged to participate in goal/objective selection. Goals/objectives shall include timeframes specified by the agency's professional staff, in consultation with the individual and relevant collateral. "Individualized service plan", as used herein, refers to and is equivalent to "individual treatment plan" and "individual habilitation plan".
- c) Behavior management and human rights review
Each agency is required to establish or ensure a process for the periodic review of behavior intervention and human rights issues involved in the individual's treatment and/or habilitation. Agencies required to have behavior intervention and human rights review policies and procedures under licensure or certification standards shall continue to comply with those standards.
- d) Abuse and neglect
Each agency shall have and use a process for reporting and handling instances of abuse and neglect in accordance with applicable standards, regulations and laws.
- e) Admission to programming
 - 1) Grant agencies shall not discriminate in the admission to and provision of needed services to individuals on the basis of race, color, sex, religion, national origin, ancestry, or disability.
 - 2) Admission policies and procedures shall be set forth in writing and be available for review.
- f) Compliance with life safety standards and requirements
All program facilities shall be in compliance with applicable State licensure requirements and local ordinances with regard to fire,

DEPARTMENT OF HUMAN SERVICES
NOTICE OF EMERGENCY AMENDMENTS

103.210 Reallocation and lapse funds
EMERGENCY

AUTHORITY: Implementing Sections 15, 34 and 34.1 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15, 34 and 34.1] and the Community Services Act [405 ILCS 30] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].

SOURCE: Emergency rule adopted and codified at 6 Ill. Reg. 9361, effective July 21, 1982, for a maximum of 150 days; emergency expired December 19, 1982; adopted at 7 Ill. Reg. 1788, effective February 2, 1983; amended at 7 Ill. Reg. 9304, effective July 27, 1983; amended at 10 Ill. Reg. 10572, effective June 1, 1986; amended at 10 Ill. Reg. 10568, effective September 1, 1986; emergency amendment at 16 Ill. Reg. 2643, effective February 1, 1992, for a maximum of 150 days; emergency expired on June 30, 1992; amended at 17 Ill. Reg. 10282, effective July 1, 1993; amended at 21 Ill. Reg. 8282, effective June 25, 1997; recodified from the Department of Mental Health and Developmental Disabilities to the Department of Human Services at 21 Ill. Reg. 9321; emergency amendment at 22 Ill. Reg. 12176, effective June 24, 1998, for a maximum of 150 days; emergency expired November 20, 1998; amended at 22 Ill. Reg. 22390, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 9263, effective June 14, 2000, for a maximum of 150 days.

SUBPART A: SYSTEM DESIGN

Section 103.25 Agency governance (Repealed)
EMERGENCY

- a) Governing body
Each--agency--which--is--owned--or--operated--by--any--corporation--association--or--unit--of--local--government--shall--have--a--governing--body--in--which--is--vested--authority--and--responsibility--for--the--organization's--management--control--and--operation--of--the--agency--and--all--programs--services--facilities--and--residences--which--it--administers
- b) Consumer representation
Each--agency--shall--have--provisions--for--obtaining--input--from--consumers--and/or--consumer--representatives--to--the--governing--body

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. 9263, effective June 14, 2000, for a maximum of 150 days)

Section 103.30 Conflict of interest (Repealed)
EMERGENCY

the--agency--shall--adhere--to--current--Illinois--statutes--regarding--conflict--of--interest--and--adopt--a--written--policy--proceeding--conflict--of--interest--Illinois

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- g) building, zoning, sanitation, health, and safety requirements.
- 1) Personnel requirements
- 2) A licensed physician (MD or DO) shall assume medical and legal responsibility for medical services offered in any program, including prescription of medications.
- 3) All services shall be provided by appropriately trained staff, operating under the supervision of qualified clinical professionals.
- b) Mandated services
- 1) Mandated services shall be provided according to the requirements as stated in the Department's rules at 59 Ill. Adm. Code 125, Recipient Discharge/Linkage/Aftercare.
- 2) The Department shall monitor the provision of mandated follow-up monitoring services as outlined in 59 Ill. Adm. Code 125.
- i) Utilization review
- Utilization review is the ongoing review of services delivered, their intensity and their duration, to determine adherence to generally accepted guidelines or standards regarding the individual's assessment, eligibility for service and appropriateness of services rendered. Agencies shall engage in a utilization review process for all program services.

j) Compliance with 89 Ill. Adm. Code 509

Each agency shall comply with the Department of Human Services Fiscal/Administrative Recordkeeping and Requirements (89 Ill. Adm. Code 509).

(Source: Amended by emergency rulemaking 24 Ill. Reg. 9263, effective June 14, 2000, for a maximum of 150 days)

Section 103.60 Fiscal management (Repealed)

EMERGENCY

- a) The agency shall be managed in a manner consistent with sound fiscal standards. The agency shall maintain written policies and procedures regarding its fiscal activities including but not limited to payroll purchasing cash management relevant fee schedules contracts and risk management. An annual budget shall be developed for each fiscal year and be approved and monitored by the governing body. If the agency has the responsibility for the management of the funds for the individuals it serves such funds shall be accounted for on an individual basis.

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. 9263, effective June 14, 2000, for a maximum of 150 days)

SUBPART B: OPERATIONAL PROCEDURES

Section 103.90 Fiscal requirements (Repealed)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

EMERGENCY

- a) Agencies shall not be limited or restrained in the pursuit of other contracts or funding.
- b) Agencies and Department staff shall formalize projected levels of expense and Department grant support for each Department-funded program through an approved agency plan. Department grant funds in excess of actual reimbursable expenses by program for the award period cannot be claimed. Any Department grant received by the agency in excess of actual reimbursable expenses by program is subject to recapture under the provisions of the Illinois Grant Funds Recovery Act (30-1065-705).
- c) An agency is encouraged to submit a balanced budget. The Department will accept an agency plan indicating expected deficits with appropriate explanations. An agency with a sufficient fund balance and sufficient working capital in its operating fund can reasonably expect to cover such deficits in the short run by using reserve funds (i.e., reducing its fund balance). The Department will not approve an agency plan indicating deficits for programs and/or for the agency as a whole without a written explanation of the agency's governing body approved plan.
- All agencies with Medicaid-certified programs or components of programs shall submit Medicaid billings in compliance with the Department of Public Aid's rules at 89 Ill. Adm. Code 149 (Medical Payment), the Department's rules at 59 Ill. Adm. Code 186 (Services Charges), and Title 42, Chapter 4, Subchapter C, Medical Assistance Programs (42-EPR-439 through 489 (1996)).
- e) Fees for services may be established as cost-based as usual and customary fees for service or as competitive fees based on the local marketplace fees for service.
- f) An agency which assesses fees to individuals for services shall maintain a written policy for billing and collection of fees. A system for billing individuals with appropriate financial assistance based on the ability of the individual or the individual's responsible relative to pay is required. The system shall also provide a record of charges and a method of collecting third-party payments. With regard to sheltered workshops fees can be applied only to the service aspects of the programs.
- g) No agency shall require an individual or family member to make cash or in-kind contributions or to provide unpaid services to the agency beyond the fee schedule specified in subsections (e) and (f) of this Section. No agency shall suggest imply or give reason to believe that access to initial or continued services is contingent on or in anyway related to voluntary contributions by an individual or family member.
- h) Provision of service in Department-funded programs shall not be denied on the basis of the individual's inability or ability to pay.
- i) An agency is permitted to establish and maintain reserve funds.

DEPARTMENT OF HUMAN SERVICES
NOTICE OF EMERGENCY AMENDMENTS

However, the establishment of or addition to a reserve fund is not permitted from grant funds.

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. 9263, effective June 14, 2000, for a maximum of 150 days)

Section 103.100 Accounting requirements (Repealed)

EMERGENCY

- a) Each agency shall establish and maintain an accounting system in accordance with generally accepted accounting principles (GAAP).
- b) Accounting transactions shall be properly classified, adequately documented, and recorded in appropriate books of original entry (journals) and posted to general ledgers on a monthly basis.
- c) For programs funded by the Department, expenses shall be recorded by specific program. Expenses for all other programs may be booked in total. Expenses that cannot appropriately be charged to one or more specific programs shall be allocated on reasonable bases to the various benefiting programs. Both Department-funded programs and programs funded from other sources it will be the agency's responsibility to document its program expense allocation methodology and rationale.
- d) Each agency shall establish and maintain a separate capital fund to account for its fixed assets and related accounts. The following accounts are typically included in this fund:
 - 1) Land, buildings, and equipment (usually separate accounts for each)
 - 2) Cash reserved for replacement of fixed assets
 - 3) Accumulated depreciation on buildings and equipment (usually two separate accounts)
 - 4) Payables related to land, buildings and/or equipment
 - 5) Depreciation expense
 - 6) Revenues earned by capital fund assets (e.g., interest) and/or externally restricted to the capital fund (e.g., donor restricted grants or contributions)
 - 7) Fund balances and
 - 8) Other related accounts as appropriate.
- e) All fiscal records shall be maintained for at least five years after the end of the fiscal year to which they relate if need for them still remains because of unresolved audit issues or for similar reasons. Related records must be retained until the matters are completely resolved. Agencies are encouraged to discuss record retention with their independent auditors prior to disposal of documents.
- f) All depreciation for the purposes of preparing Department budgets and reports shall be computed on the straight line basis. The agency shall clearly identify in its depreciation schedule any capital assets acquired with Department grant funds.

DEPARTMENT OF HUMAN SERVICES
NOTICE OF EMERGENCY AMENDMENTS

- g) All agency revenues not earned by capital fund assets or not restricted for capital purpose by the donors or grantors shall be recorded in the appropriate fund using generally accepted accounting principles. All governing body approved transfers of unrestricted funds shall be shown as fund balance transfers and recorded using generally accepted accounting principles.
- h) The Department may establish additional accounting requirements for specific grants or programs. Agencies receiving such grants or receiving funds for such programs shall comply with those special requirements. Examples of such programs are the community living arrangements (CLA) revolving fund, the emergency psychiatric services (EPS) program, the home based support services program and the family assistance program and various Medicaid programs (e.g., Department grant funds used as match for obtaining federal funds).

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. 9263, effective June 14, 2000, for a maximum of 150 days)

Section 103.110 Allowable/non-allowable expenses (Repealed)

EMERGENCY

- a) Expenses reimbursable from Department grant funds
 - 1) In general, expenses meeting all of the following criteria are reimbursable from Department grant funds if the expenses are:
 - A) Necessary and related to the provision of program services?
 - B) Reasonable to the extent that a given cost is consistent with that amount paid by similar agencies for similar services?
 - C) Not specified in subsection (b) of this Section, as not reimbursable, and
 - D) Not illegal.
 - 2) No one is eligible for reimbursement of all expenses that can be identified to a specified Department funded program(s) shall be charged directly to that program(s). Expenses not directly identifiable to a Department funded program(s) shall be allocated to all benefiting programs, both Department funded and other programs in accordance with Section 103.106(c).
- b) Expenses not reimbursable from Department grant funds (those typically not directly associated with program services)
 - 1) Research expenses (this does not include program evaluation expenses)
 - 2) Compensation for members of the agency's governing body (this does not include reimbursement for travel or other agency related business expenses incurred by these members)
 - 3) Expenses related to entertainment of persons other than individuals who receive mental health or developmental disabilities services
 - 4) Individual agency staff or agency association dues (dues for

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

group-purchasing-relationships-for-the-exclusive-purpose-of--cost saving-on-purchases-are-allowable?}

5) Costs-of-attending-professional-meetings-(e.g.,-association meetings-and-conferences)-(this-does-not-include-costs-for-staff attendance-at-in-service-training-seminars-and-workshops)?

6) Fund-raising-expenses?

7) Bad-debts-and-professional-discounts-(these-should-be-recognized as--reductions-of--fees-for-services--revenue--rather-than-as expenses)?

8) Charity-and-grants-(this-does-not-include-employee--educational assistance-costs)?

9) The-following-types-of-interest-expenses:

A) Interest-on-funds-borrowed-for-investment-purposes?

B) Interest-on-funds-borrowed-to--create-working-capital-in excess-of-two-months--operating-expenses?

C) Interest-on-funds-borrowed-for-the-personal-benefit-of-any person(s)?

B) Interest-on-funds-borrowed-without-a-prior-time-limited written-agreement-with-the-department-for-the-purchase-of land,-buildings-and/or-equipment-for-future-expansion-until such---assets-are-actively-used--in--support-of-program services?

B) Interest-in-excess-of-the-current-market-rate-paid-to individuals-or-organizations-in-less-than--arm's-length transactions?

F) Interest-charges-on-intra-agency-fund-loans-(e.g.,-interest recorded--in--the-capital-fund-on-cash-lent-to-the-operating fund)?

G) Interest-expense-to-the-extent-that-interest-income-was realized-by-investment-of-excess-operating-funds-(i.e., interest-expense-must-first-be--offset-against--interest income)-and-any-remaining-interest-expense-is-eligible-for reimbursement-from-department-grant-funds)?

I) Development-of-commodity-or-equipment-inventories-(the-range-of commodity-inventories--and-the-depreciation-on-fixed-assets-are expenses-which-are-eligible-for--reimbursement--from--Department grant-funds)?

J) Depreciation-on-fixed-assets-acquired-with--Department-grant funds?

K) Work-programs--cost-of-production---when--the--product-of-a department-funded-work-program-is--available--the--expenses-of individuals--wages-and-fringe-benefits-and-of-material-costs-are not-reimbursable-from-Department-grant-funds?

L) In-kind-contributions-(these-expenses-are-directly-offset-by-the related-in-kind-revenues)?

M) Capital--acquisitions--unless--expressly--permitted--by--the Department-in-writing-(capital-acquisitions-include-real-estate buildings--improvements--and-items-of-equipment-with-unit-costs

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

of-\$500-or-more)?

I) Establishment-of-or-addition-to-reserve-funds?

J) Expenses-which-are-specifically-reimbursed-by-other--grants--or time-and-purpose-restricted-funding?

K) Expenses-of-any-program-for-which-the-agency-has-not-been-awarded a-grant-by-the-department-and

L) the-following-types-of-lobbying-expenses:

A) Expenses-incurred--in-attempts-to-influence-the-outcome-of any--federal--State--or--local--election--referendum--or initiative?

B) Expenses-incurred-in-attempts-to-influence-the-introduction? enactment--or-modification-of-federal-or-State-legislation? and

C) Expenses-incurred-in-connection-with-legislative-liaison activities-when-such-activities-are-carried-on-in-support of-or-in-preparation-for-unlawful-lobbying?

Agency-notes--Expenses-incurred-in-connection-with-providing-a-technical-and factual-presentation-of-information-on-a-topic-directly-related-to-the performance-of-a-grant,-contract-or-other-agreement-are-allowable.

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. 9263, effective June 14, 2000, for a maximum of 150 days)

Section 103.165 Accreditation (Repealed)

EMERGENCY

a) Agencies--demonstrating--current-accreditation-status-under-any-of-the standards--of--the-accrediting-organizations--identified--in--the definition--of--accreditation--in-Section-103.11--of--this-Part--shall-be deemed-to-be-in-compliance-with-Sections-103.25--and--103.60--of--this Part;

b) Demonstration--of--current--accreditation--status--shall-be-achieved-by submission--of--a-certificate--of--accreditation--and--most--recent accreditation-report--by--the-agency-to-the-department-as-part-of-the submission-of-the-agency-plan

c) If-the-agency's-accreditation-status--changes--for-any-reason--the agency-shall-notify-the-department-of-that-change-within-30-days-after the-effective-date-following-the-change.

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. 9263, effective June 14, 2000, for a maximum of 150 days)

Section 103.190 Interruption of disbursement and grant cancellation (Repealed)

EMERGENCY

a) The-department-may-take-action-to-interrupt-disbursements-to-agencies for-fiscal-reporting-infractions-and/or-agency-operations-which-are contrary-to-department-policy-stated-herein-and-to-cancel-the-grant agreement--funds-withheld-by-the-department-during-suspensions

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

continue-to-accrue-to-the-account-of-the-agency-and-will-be-disbursed upon-resolution-of-the-infraction-or-deficiency-in-the-case-of cancellation-funding-will-not-be-available-and-will-not-accrue-for the-period-during-which-the-grant-agreement-is-canceled.

- b) The-sanctions-outlined-herein-for-suspension-and-cancellation-will-be undertaken-only-after-the-Department-has-made-a-reasonable-effort-to reach-an-acceptable-resolution-with-the-agency.
- c) The-following-are-occasions-for-cancellation-or-suspensions:

- 1) a) This-type-of-fiscal-infraction-exists-when-an-agency-does not-submit-a-year-and-certified-audit-report.
- b) The-agencies-which-have-not-submitted-audited-financial statements-for-the-prior-grant-year-within-186-days-after the-end-of-their-fiscal-year-will-be-given-advance-notice-by registered-letter-from-the-Department's-Office-of-Internal Audits-that-Department-audit-requirements-must-be-met-within 186-days-after-the-end-of-their-fiscal-year. Copies-of-the letter-will-be-sent-to-appropriate-Department-staff.

- c) The-Office-of-Internal-Audits-will-send-a-registered-letter from-the-Secretary-to-the-agency-suspending-current-year grant-funding-120-days-after-the-end-of-the-agency's-fiscal year-for-agencies-not-in-compliance-with-audit-requirements for-the-prior-year. Copies-of-the-letter-will-be-sent-to appropriate-Department-staff.

- b) Any-audit-filing-extension-for-the-prior-grant-year-approved by-the-Office-of-Internal-Audits-shall-be-considered-advance notice-to-the-agency-of-the-Department's-intention-to suspend-current-year-grant-funding-upon-expiration-of-the filing-extension.

- b) Upon-expiration-of-any-approved-extension-for-fulfilling-the prior-year's-audit-requirements-the-Office-of-Internal Audits-will-send-a-registered-letter-from-the-Secretary-to the-agency-suspending-current-year-grant-funds-as-of-the date-of-the-expired-extension.

- 2) Non-compliance-with-repayment-procedures-for-under-expended-grant funds--this-type-of-fiscal-infraction-exists-when-the-agency fails-to-refund-unexpended-funds-from-a-previous-grant-award.

- 3) Other-suspensions--all-other-actions-regarding-suspension-of grant-funds-are-taken-by-the-Secretary. Suspension-of disbursement-shall-remain-in-effect-until-such-time-as-specified conditions-are-met--in-unusual-and-severe-circumstances, e.g., abuse-or-neglect-of-an-individual-the-Secretary-may-immediately suspend-grant-funds-pending-an-investigation.

- d) Actions-for-suspension-require-written-notification-to-the-agency-and other-appropriate-funding-bodies--if-applicable-at-least-15-days before-such-action-goes-into-effect. Such-notice-shall-specify-reasons for-which-action-is-taken-and-the-conditions-under-which-suspension will-be-ended-the-date-when-the-grant-will-be-automatically-canceled

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

if-the-conditions-of-suspension-are-not-satisfied-shall-also-be specified--All-parties-shall-be-notified-when-the-suspension-of-the grant-is-ended.

- e) Cancellation-of-grant-agreement
- 1) The-Department-or-agency-on-30-days-written-notice-of-intention to-do-so-may-terminate-all-or-part-of-the-grant-agreement. Further-the-Department-by-written-notice-may-immediately terminate-all-or-any-part-of-the-grant-agreement-on-determination that-State-funds-have-been-used-or-are-being-used-for-purposes other-than-those-which-are-the-basis-of-the-grant-agreement. Immediate-termination-is-intended-to-apply-whenever-there-is-a determination-of-fraud-misappropriation-or-abuse-in-obtaining or-expending-Department-funds-or-in-certain-cases-of-unusual incidentally-such-as-abuse-or-neglect-of-an-individual.

- 2) Cancellation-of-a-grant-remains-in-effect-until-such-time-as specified-conditions-are-met. Funding-will-not-be-available-for the-period-during-which-a-grant-is-canceled.

- 3) Cancellation-of-a-grant-means-that-the-grant-is-thus-reduced-from the-original-award-for-each-calendar-month-during-which cancellation-is-in-effect-in-accordance-with-the-agency-plan-as approved-by-the-Department. Cancellation-requires-written notification-to-the-agency-and-other-appropriate-funding-bodies if-applicable-30-days-before-such-action-goes-into-effect. Such notice-shall-specify-the-reasons-for-which-the-action-is-taken and-the-conditions-under-which-reinstatement-will-occur. All parties-will-be-notified-when-the-cancellation-period-is-ended.

- 4) If-the-conditions-under-which-the-grant-is-canceled-have-not-been rectified-by-the-end-of-the-fiscal-year-no-new-grant-award-will be-made-for-the-ensuing-fiscal-year-until-such-time-as-all conditions-are-satisfactorily-met-for-the-prior-fiscal-year. At the-time-that-the-Department-and-the-agency-determine-that-all conditions-from-the-prior-year-have-been-met-the-agency-shall submit-required-information-in-accordance-with-Section 103-1594(e)-and-execute-a-signed-grant-agreement-prior-to recommencement-of-funding.

(Source: Repealed by emergency rulemaking at 24 Ill. Reg. 9263, effective June 14, 2000, for a maximum of 150 days)

Section 103.210 Reallocation and-lapsed-funds

EMERGENCY

a) Reallocation of funds

Agencies may transfer funds between programs within the agency plan guidelines distributed by the Department. Agencies desiring to reallocate funds in excess of agency plan guidelines must request this reallocation in writing prior to the expiration of the grant agreement. Authorization to transfer these funds within the agency plan guidelines distributed by the Department will be

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

allowable, with justification, unless the Department indicates to the contrary within 30 days after notification. The agency must request this reallocation by registered mail prior to the end of the fiscal year.

b) Lapsed funds

At the expiration of the grant agreement, Department funds not expended as outlined in the effective agency plan are considered lapsed. These lapsed funds should be calculated by comparing the operating expenses to the budget using the following method:

- 1) Department funds allocated to a given program must be spent within a given program; the total accrued expense of Department reimbursable items must be compared with the total grant dollars allocated to the program. If the total Department reimbursable expenses are greater than the grant allocation by program, there is no lapse. If the grant allocation is greater than the total Department reimbursable expense by program, then the difference is the amount of the lapse, and the amount for which the Department may seek reimbursement.

- 2) Notice of lapse--the Department shall prepare and send to the agency a notice of lapse as soon as possible after submission of the agency's independent audit.

c) Agreement to lapse

- 1) Voluntary lapse--the agency may indicate in writing that no plan to use the underexpended funds prior to the expiration of the grant agreement exists, and the grant award may be reduced accordingly.

- 2) Automatic lapse--if no justification or certification is received and approved prior to the expiration of the grant agreement, the funds will be automatically lapsed.

d) Reconciliation of operating expenses to funds

- 1) A final reconciliation will occur with the submission of the year end certified audit report.

- A) Overpayment of any amount over \$100 (allowance for rounding off) must be reimbursed to the Department.

- B) Payment by an agency to the Department shall be as outlined in the Illinois Grant Funds Recovery Act.

- C) The Department will recover funds through the offset of subsequent year grant or purchase of care funds. If the offset of subsequent year funding is not possible due to discontinuation of funding, the agency shall be required to satisfy grant recovery by submitting a check, draft or money order.

- B) Any check, draft or money order shall be made payable to the Department of Human Services.

- 2) Each agency shall, after being provided by the Department with notice and an opportunity for a Department hearing, repay to the Department amounts found not to have been expended in accordance with the grant agreement, the agency plan and this Part. If such repayment is not made, the Department shall, after providing the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

agency with notice and an opportunity for a hearing, offset such amounts through any or all collection procedures provided for in the Illinois Grant Funds Recovery Act.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 92.03, effective June 14, 2000, for a maximum of 150 days)

DEPARTMENT OF HUMAN SERVICES
NOTICE OF EMERGENCY RULES

DHS rules, will provide these rules.

11) Are there any other rules pending on this Part? No

12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate

13) Information and questions regarding this rule shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Rules begins on the next page:

DEPARTMENT OF HUMAN SERVICES
NOTICE OF EMERGENCY RULES

1) Heading of the Part: Grants and Grant Funds Recovery

2) Code Citation: 89 Ill. Adm. Code 511

3) Section Numbers: Proposed Action:

511.10	New Section
511.15	New Section
511.20	New Section
511.30	New Section
511.40	New Section
511.50	New Section
511.60	New Section

4) Statutory Authority: Implementing and authorized by the Department of Human Services Act [20 ILCS 1305] and implementing the Illinois Grant Funds Recovery Act [30 ILCS 705].

5) Effective Date of Rules: June 14, 2000

6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

7) Date filed with the Index Department: June 14, 2000

8) A copy of the emergency rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: Currently, the Department of Human Services has no united or consistent compliance standards for fiscal/administrative recordkeeping for the more than 2000 providers used to serve individuals in need. This type of fiscal accountability is directly related to the welfare of the people receiving services. Without fiscal and administrative standards and accountability, DHS cannot guarantee adequate service delivery to its clients. Part of fiscal accountability is the ability to recover funds misspent or inappropriately held by providers. This rulemaking and the related amendments and repeals will avoid jeopardizing the expenditure of public funds and strengthen the Department's relationship with service providers by replacing the rules of the legacy agencies with this common and uniform rule.

10) A Complete Description of the Subject and Issues Involved: This proposed rulemaking provides a uniform set of rules in the area of Grants and Grant Funds Recovery for DHS service providers. There are approximately 2000 community agencies under contract to deliver services to DHS clients. Since the inception of the Department these agencies have been subject to a variety of administrative rule requirements regarding grant fund recovery. This rulemaking, along with the amendment or repeal of current

DEPARTMENT OF HUMAN SERVICES
NOTICE OF EMERGENCY RULES

units delivered times the rate or unit is compared to the total of all grant payments for that service.

Section 511.15 Definitions
EMERGENCY

"Agency" - means the individual or organization with whom the Department has a contract/agreement for services. The term Provider is synonymous with agency.

"Day" - means a calendar day.

"Department" - means the Illinois Department of Human Services.

"Fee-for-Service" - means payments are made on the basis of a rate, unit cost or allowable cost incurred and is based on a statement or bill as required by the Department. Payments made as a fee-for-service are not subject to the Illinois Grant Funds Recovery Act [30 ILCS 705].

"Grant" - means a program receives all or part of the funding in advance of the actual delivery of services. This includes prorated prospective payments and payments made by the Department on an estimated basis or any other basis when the Department does not know the actual amount earned by the Provider. This does not include advance payments made under the authority of Section 9.05 of the Illinois Finance Act [30 ILCS 105/9.05]. All funds paid as a grant are subject to the Illinois Grant Funds Recovery Act [30 ILCS 705].

"Secretary" - means the Secretary of the Illinois Department of Human Services.

Section 511.20 Responsibility
EMERGENCY

- a) Grant funds reconciled on the basis of eligible expenditures versus Program revenues are the responsibility of the Department's Office of Contract Administration.
- b) Grant funds reconciled on the basis of eligible services delivered versus services projected are the responsibility of the Department's office or division administering the program. At the request of the Secretary or the office or division responsible for the program, the Office of Contract Administration may serve as the Department's representative at any informal or formal hearings conducted under Sections 7 and 8 of the Illinois Grant Funds Recovery Act [30 ILCS 705/7 and 8].

Section 511.30 Criteria for Recovery of Funds

DEPARTMENT OF HUMAN SERVICES
NOTICE OF EMERGENCY RULES

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

PART 511
GRANTS AND GRANT FUNDS RECOVERY

- Section 511.10 Purpose
- EMERGENCY
- 511.15 Definitions
- EMERGENCY
- 511.20 Responsibility
- EMERGENCY
- 511.30 Criteria for Recovery of Funds
- EMERGENCY
- 511.40 Process for Recovery of Funds
- EMERGENCY
- 511.50 Methods of Recovery
- EMERGENCY
- 511.60 Prompt Payment Act
- EMERGENCY

AUTHORITY: Implementing and authorized by the Department of Human Services Act [20 ILCS 1305] and implementing Sections 7 and 8 of the Illinois Grant Funds Recovery Act [30 ILCS 705/7 and 8].

SOURCE: Adopted by emergency rulemaking at 24 Ill. Reg. 9278, effective June 14, 2000, for a maximum of 150 days.

Section 511.10 Purpose
EMERGENCY

General - All funds disbursed by the Department on a grant basis are subject to reconciliation and the recovery of lapsed funds. Grant funds recovery activity is based on the Illinois Grant Funds Recovery Act [30 ILCS 705]. The reconciliation will be based on one of the following methods at the election of the Department:

- a) Eligible Expenditures v. Program Revenue - This method compares the eligible expenditures to the total Department revenues by program. An independent audit and associated supplemental revenue and expense schedule may be required from the provider. Eligible expenditures will be determined based on 89 Ill. Adm. Code 509.20, Allowable/Unallowable Costs and specific program requirements, if applicable.
- b) Eligible Services Delivered v. Services Projected - This method compares the actual eligible services delivered to the services projected in the contract or agreement. If the services were based on a rate or unit of cost methodology, the number of eligible service

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY RULES

EMERGENCY

Grant funds shall be subject to recovery if the Department finds that the grant funds received by the Agency:

- a) Are determined to be subject to recovery based on one of the methods identified in Section 511.10;
- b) Were not spent in accordance with the grant agreement; or
- c) Were not expended or legally obligated by the expiration of the grant.

Section 511.40 Process for Recovery of Funds**EMERGENCY**

If the Department believes that grant funds received by the provider are subject to recovery, the process outlined in the Grant Funds Recovery Act shall be followed:

- a) The provider will be notified, in writing, by the Department of the amount subject for recovery. This notice will constitute an intent to recover by the Department. The notice will indicate the opportunity for an informal hearing to determine the facts and issues regarding the recoverable funds and who to contact to request an informal hearing.
- b) The provider must notify the Department in writing within 15 calendar days after receipt of the Department's letter that they are requesting an informal hearing.
- c) If the provider does not file a request for an informal hearing, the Department may initiate the recovery.
- d) If the informal hearing does not resolve the issues or if the provider does not request a hearing within the specified time in subsection (b), the Department will notify the provider in writing of the intent to recover. The letter will specify the amount to be recovered, the specific facts that permit recovery, and the right to a formal appeal.
- e) An agency electing to file an appeal in accord with subsection (d) shall notify the Department, in writing, of its request for a formal hearing, within 35 days from the receipt of the letter.
- f) If the provider does not file an appeal, the Department may initiate the recovery.
- g) The hearing shall be presided over by an administrative law judge chosen by the Department.
- h) The provider shall have the burden of proof to show cause why no recovery should occur.
- i) If the decision of the hearing officer/administrative law judge is in favor of recovery, the Secretary shall approve the decision prior to implementing a recovery.
- j) The Secretary may elect to adopt, modify or reverse the recommended decision.
- k) The decision by the Secretary shall constitute the final administrative decision in accordance with Section 3-101 of the Administrative Review Law [735 ILCS 5/3-101].

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY RULES

- 1) All written notices sent under this Section shall be sent by certified mail. Notices will be deemed received based on the date signed for by the recipient or the recipient's representative.

Section 511.50 Methods of Recovery**EMERGENCY**

The Department may elect any one or combination of the following methods for recovery:

- a) Offset against existing grants or against grants to be made by the Department.
- b) Authorize the offset from existing grants or grants to be made by other grantor agencies.
- c) Authorize the Comptroller to offset any payments from any funds administered by the Comptroller for payment to the grantee, including, but not limited to, distributions of appropriated funds and payments of refunds.
- d) Initiate any debt collection method authorized by law to any private person.
- e) Remove the grantee from any of the Department's programs and forbid the grantee's participation in any future grant programs for a period not to exceed two years.

Section 511.60 Prompt Payment Act**EMERGENCY**

The provisions of the Prompt Payment Act apply to this Part. This Part does not constitute a waiver of the provider's rights to recover a penalty for late payment as specified in the Act.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PUBLIC HEARINGS ON PROPOSED RULE

1) Heading of the Part: Fiscal/Administrative Recordkeeping and Requirements

2) Code Citation: 89 Ill. Adm. Code 509

3) Register Citation to Notice of Proposed Rules: 24 Ill. Reg. **87 19**

4) Date, Time and Location of Public Hearings:

Friday, July 21, 2000

10:00 A.M. - 12:00 P.M.

Lincoln Library Carnegie Rm.

326 S. 7th St.

Springfield, Illinois

5) Other Pertinent Information: The hearings will be held for the sole purpose of gathering public comments on the proposed Amendments. Persons interested in presenting testimony at this hearing are advised that the Illinois Department of Human Services will adhere to the following procedures in the conduct of the hearing:

- a) No oral testimony shall exceed an aggregate of ten (10) minutes. All persons wishing to provide oral testing must register by 11:00 A.M.
- b) Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
- c) No person will be recognized to speak for a second time until all persons wishing to testify have done so.
- d) In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the hearing officer may impose such other rules of procedures, including the order of call of witnesses, as she/he deems necessary.
- e) Persons requiring reasonable accommodation due to disability must contact the Bureau of Administrative Rules and Procedures by July 12, 2000.

6) Name and Address of Agency Contact Person: Questions regarding these proposed Amendments or the public hearing shall be directed to:

Ms. Susan Weir, Bureau Chief

Bureau of Administrative Rules and Procedures

Department of Human Services

100 South Grand Avenue East

3rd Floor, Harris Bldg.

Springfield, IL 62762

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PUBLIC HEARINGS ON PROPOSED RULE

(217) 785-9772

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PUBLIC HEARINGS ON PROPOSED RULE

1) Heading of the Part: Grants and Grant Funds Recovery

2) Code Citation: 89 Ill. Adm. Code 511

3) Register Citation to Notice of Proposed Rules: 24 Ill. Reg. 87 23

4) Date, Time and Location of Public Hearings:

Friday, July 21, 2000
10:00 A.M. - 12:00 P.M.
Lincoln Library Carnegie Rm.
326 S. 7th St.
Springfield, Illinois

5) Other Pertinent Information: The hearings will be held for the sole purpose of gathering public comments on the proposed Amendments. Persons interested in presenting testimony at this hearing are advised that the Illinois Department of Human Services will adhere to the following procedures in the conduct of the hearing:

- a) No oral testimony shall exceed an aggregate of ten (10) minutes. All persons wishing to provide oral testimony must register by 11:00 A.M.
- b) Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
- c) No person will be recognized to speak for a second time until all persons wishing to testify have done so.
- d) In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the hearing officer may impose such other rules of procedures, including the order of call of witnesses, as she/he deems necessary.
- e) Persons requiring reasonable accommodation due to disability must contact the Bureau of Administrative Rules and Procedures by July 12, 2000.

6) Name and Address of Agency Contact Person: Questions regarding these proposed Amendments or the public hearing shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield IL 62762

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PUBLIC HEARINGS ON PROPOSED RULE

(217) 785-9772

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF MODIFICATION
TO MEET OBJECTION OF THE JOINT COMMITTEE
ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Pharmacy Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1330
- 3) Section Numbers: Action:
1330.85 Modified
- 4) Date Notice of Proposed Rules published in the Illinois Register: October 8, 1999, 23 Ill. Reg. 12344
- 5) Date JCAR Statement of Objection was published in the Illinois Register: June 2, 2000, 24 Ill. Reg. 7929
- 6) Summary of Action Taken by the Agency: The Department of Professional Regulation does not want to proceed with the adoption of this section at this time.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF INSURANCE

Heading of the Part: Managed Care Reform and Patient RightsCode Citation: 50 Ill Adm Code 5420Date Originally Published in the Illinois Register: 3/17/00
24 Ill Reg 4008

At its meeting on June 13, 2000, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommends that the Department consult with affected organizations and the Department of Public Health and promulgate rules governing the process through which the Department, in consultation with the Department of Public Health, will certify utilization review standards of organizations other than AHRC/URAC, pursuant to Section 85(b) of the Managed Care Reform and Patient Rights Act.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF REVENUE

Heading of the Part: Cigarette Tax ActCode Citation: 86 Ill Adm Code 440Section Numbers: 440.10Date Originally Published in the Illinois Register: 2/25/00
24 Ill Reg 3096

At its meeting on June 13, 2000, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommends that DOR be more timely in updating its rules to reflect new and amended statutes.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF REVENUE

Heading of the Part: Cigarette Use Tax ActCode Citation: 86 Ill Adm Code 450Section Numbers: 450.10Date Originally Published in the Illinois Register: 2/25/00
24 Ill Reg 3102

At its meeting on June 13, 2000, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommends that DOR be more timely in updating its rules to reflect new and amended statutes.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER THE

RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(g) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5(g) (1998), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$2,000.00 against Guaranteed Financial Mortgage Services, Inc. of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective June 15, 2000.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of June 13, 2000 through June 19, 2000 and have been scheduled for review by the Committee at its July 18, 2000 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
7/27/00	Capital Development Board, Selection of Architects/Engineers (A/E) (44 Ill Adm Code 1000)	4/28/00 24 Ill Reg 6627	7/18/00
7/27/00	Secretary of State, School Bus Driver Permit (92 Ill Adm Code 1035)	4/7/00 24 Ill Reg 5885	7/18/00
7/27/00	Department of Professional Regulation, Clinical Psychologist Licensing Act (68 Ill Adm Code 1400)	4/7/00 24 Ill Reg 5870	7/18/00
7/28/00	Illinois Commerce Commission, Electric Reliability (83 Ill Adm Code 411)	1/28/00 24 Ill Reg 1429	7/18/00
7/28/00	Office of Banks and Real Estate, Disclosure of Confidential Supervisory Information (38 Ill Adm Code 325)	4/21/00 24 Ill Reg 6466	7/18/00
7/29/00	Department of Public Health, Postsurgical Recovery Care Center Demonstration Program Code (77 Ill Adm Code 210)	3/17/00 24 Ill Reg 4160	7/18/00
7/29/00	Department of Public Health, Children's Respite Care Center Demonstration Program Code (77 Ill Adm Code 260)	3/24/00 24 Ill Reg 4795	7/18/00
7/29/00	Department of Public Health, Subacute Care Hospital Demonstration Program Code (77 Ill Adm Code 270)	3/24/00 24 Ill Reg 4918	7/18/00

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

7/29/00	Department of Public Health, Rules and Regulations to Carry Out Provisions of Titles XVIII and XIX of the Social Security Act Relating to Skilled Nursing and Intermediate Care Facilities (77 Ill Adm Code 420)	4/14/00 24 Ill Reg 6364	7/18/00
7/29/00	Department of Public Health, Freestanding Emergency Center Demonstration Program Code (77 Ill Adm Code 518)	3/24/00 24 Ill Reg 4805	7/18/00
7/30/00	Department of Revenue, Income Tax (86 Ill Adm Code 100)	4/28/00 24 Ill Reg 6637	7/18/00
8/2/00	State Fire Marshal, Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (41 Ill Adm Code 170)	3/17/00 24 Ill Reg 3959	7/18/00

PROCLAMATIONS

2000-290 (REVISED)
BARNEY BIRGER DAY

WHEREAS Bernard B. "Barney" Birger was a respected and renowned businessman in southwestern Illinois; and

WHEREAS, Bernard B. Birger was first appointed to the Capital Development Board in 1983; and

WHEREAS, Mr. Birger's service on the Capital Development Board spanned the terms of three Governors - James R. Thompson and Jim Edgar, and George H. Ryan; and

WHEREAS, Bernard for 17 years offered his experience and expertise to the citizens of Illinois through his service on the Capital Development Board, including recent terms as the Board's vice chairman and secretary; and

WHEREAS, Mr. Birger also served as a member of the Illinois Coalition, following his appointment by then Governor James Thompson in 1989; and

WHEREAS, Bernard B. Birger was a devoted supporter of Southern Illinois University at Edwardsville, serving on the University's Board of Trustees, donating his Collinsville home to the University foundation and raising funds for a building on the University's campus that will bear his name; and

WHEREAS, Bernard B. Birger passed away on March 10, 2000;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 13, 2000, as BARNEY BIRGER DAY in Illinois in recognition and memory of his years of service to the citizens of the State of Illinois.

Issued by the Governor May 25, 2000.

Filed by the Secretary of State June 12, 2000.

2000-296

DESTROYER ESCORT DAY

WHEREAS, Destroyer Escorts were a special class of fighting ships introduced during World War II and, of the approximately 100,000 men who crewed these vessels during World War II, the Korean War and the Vietnam War, it is estimated that more than 9,000 of the officers and enlisted sailors came from the State of Illinois; and

WHEREAS, these ships successfully completed a wide variety of combat assignments including anti-submarine duty, convoy escorts, shore bombardments and search and rescue missions, and the Destroyer Escorts carved a niche in naval history as being among the most versatile and useful ships in modern history; and

WHEREAS, the brave individuals who manned these ships displayed and unwavering devotion to duty, many making the ultimate sacrifice in carrying out these duties; and

WHEREAS, the Northern Illinois Destroyer Escort Sailors Association now exists with more 500 members who have joined together for mutual camaraderie; and

WHEREAS, while none of these gallant ships remain today on active duty and no longer serve our nation, it is our duty and privilege to remember and honor these proud ships and the men who served on them;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 17, 2000, as DESTROYER ESCORT DAY in Illinois.

Issued by the Governor June 1, 2000.
Filed by the Secretary of State June 12, 2000.

2000-297

ERIC JOHNSON DAY

WHEREAS, Eric Johnson, born and raised in Chicago, is a licensed social worker. He earned a Master of Arts in Social Work Administration from the University of Chicago and a Bachelor of Arts in Social Work from San Diego State University; and

WHEREAS, his work as director of external programs at Chicago's Jane Addams Hull House Association has brought together numerous organizations and institutions for the benefit of the community; and

WHEREAS, in addition, as a family therapist, coordinator of AIDS Education and Outreach Programs at the University of Illinois at Chicago and a social worker at Cook County Hospital, Eric provided assistance to countless individuals and families; and

WHEREAS, Mr. Johnson has over 22 years of experience in Clinical and Community Social Work. He has worked extensively in the area of health education and prevention and for seven years in mental health. The focus of his work has been working with adolescents and young adults; and

WHEREAS, he is known for his creative educational approaches to addressing human sexuality, prevention of sexual transmitted diseases and changing sexual behaviors; and

WHEREAS, Mr. Johnson serves on the boards of several community organizations in which his major role is to establish and maintain social work perspectives and traditions in addressing complex societal problems; and

WHEREAS, on June 3, 2000, the University of Chicago, School of Social Service Administration Alumni Association will present Eric Johnson with the 2000 Elizabeth Butler Alumni Award;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 3, 2000, as ERIC JOHNSON DAY in Illinois.

Issued by the Governor June 1, 2000.
Filed by the Secretary of State June 12, 2000.

2000-298

TRAILS DAYS

WHEREAS, trails are popular facilities in Illinois and throughout the United States; and

WHEREAS, trails are a valuable community resource providing recreational benefits to residents while improving the quality of life and attracting visitors; and

WHEREAS, Illinois' trails connect their users to unique natural resources, significant history, beautiful scenery and a variety of outdoor recreation opportunities; and

WHEREAS, the 475-mile Grand Illinois Trail is the longest, continuous trail in Illinois and one of the longest multi-modal (hiking-biking) trails in the United States; and

WHEREAS, the Grand Illinois Trail will connect a variety of landscapes and experiences across Northern Illinois; and

WHEREAS, the I & M Canal trail, which forms a section of the Grand Illinois

Trail, has been designated a Millennium Legacy Trail by the White House Millennium Council, thereby connecting Illinois to a nationwide network of trails; and

WHEREAS, the numerous individuals, organizations and State agencies that have worked together to develop the Grand Illinois Trail will continue their partnerships in an effort to complete the trail;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 2-3, 2000, as TRAILS DAYS in Illinois in recognition of the benefits that trails provide to the citizens of Illinois and the continuing efforts to develop trails throughout Illinois.

Issued by the Governor June 1, 2000.

Filed by the Secretary of State June 12, 2000.

2000-299

DECATUR NOON KIWANIS CLUB DAY

WHEREAS, the International Kwanis was founded in Hamilton, Ontario, in 1917; and

WHEREAS, on June 23, 1920, the first meeting of the Noon Kwanis Club of Decatur was held in the Hotel Orlando. Ninety-nine business and professional members attended the meeting and agreed to be charter members; and

WHEREAS, on July 7, 1920, a gala community dinner meeting was held to receive the charter of the club to celebrate its founding. George L. Wentworth, Governor of the Illinois-Eastern Iowa District, was the guest speaker; and

WHEREAS, in October 1920 the Noon Kwanis hosted its first major event. Franklin and Eleanor Roosevelt visited Central Illinois to campaign for Democratic candidates. Long before he was president, Franklin was a rising political star and a celebrity. He spoke to a crowd of 1,500 and dined with the brand-new Kwanis Club; and

WHEREAS, in 1945, the Legion of Honor was established to honor the contributions of members with 25 or more years of service to the club; and

WHEREAS, in 1968, a special philanthropic committee was established to focus the energies of the Kwanis Club on major projects, ones which would gain member support and public recognition; and

WHEREAS, the Noon Kwanis Club is dedicated to service. In the past 80 years, the members have raised countless hundreds of thousands of dollars to help children. This year, the Noon Club already has helped the Macon County Big Brothers and Big Sisters organization, the Baby Talk programs of Decatur, St. Mary's Hospital and the Macon County Child Advocacy Center. Every year, the Club hosts a Pancake Day Fundraiser, as well as Holiday Fruit Basket sales. This year, the Club is expanding its efforts, and is coordinating the first ever Tricycle Triathlon, a fun event scheduled during the Summer Start Celebration in Decatur. As a fun century begins, it's a great time to be a member of the Decatur Noon Kwanis Club;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 10, 2000, as DECATUR NOON KIWANIS CLUBS DAY in Illinois.

Issued by the Governor June 2, 2000.

Filed by the Secretary of State June 12, 2000.

2000-300

LOUXEMBOURG AMERICAN DAYS

WHEREAS, Dr. Bernard Cigrand, whose father was an immigrant from Luxembourg, was born on October 1, 1866; and

WHEREAS, as a citizen of Chicago, Dr. Cigrand continued his plight for an Annual American Flag Day with close to a thousand articles entitled the "Fourteenth of June," published in the Chicago Argus; and

WHEREAS, President Woodrow Wilson issued a proclamation on June 14, 1885, calling for the first national observance of Flag Day, after years of lobbying by Dr. Cigrand; and

WHEREAS, in 1949, President Harry S. Truman signed a bill formally recognizing June 14 as National Flag Day; and

WHEREAS, the current seal of the City of Chicago was designed by Dr. Cigrand in 1905, and adopted by the City Council; and

WHEREAS, Dr. Cigrand was a lecturer for the Chicago Daily News and is credited with many other patriotic accomplishments; and

WHEREAS, the family of Dr. Cigrand was raised in Aurora, Illinois, and Batavia, Illinois, where the family gravesites are located; and

WHEREAS, we recognize the patriotic contributions of many Luxembourg Americans to the State of Illinois and all American States; and

WHEREAS, the Luxembourg American community of Illinois will honor Dr. Bernard Cigrand, Founder of American Flag Day on June 12-14, 2000;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 12-14, 2000, as LUXEMBOURG AMERICAN DAYS in Illinois and encourage all citizens of Illinois to recognize Dr. Bernard Cigrand for his numerous contributions as well as all distinguished Americans of Luxembourg heritage.

Issued by the Governor June 7, 2000.
Filed by the Secretary of State June 12, 2000.

2000-301

ORDER SONS OF ITALY/ALZHEIMER'S ASSOCIATION "PARTNERS IN PROGRESS" DAY

WHEREAS, the Order Sons of Italy in America is the largest organization of Americans of Italian descent; and

WHEREAS, the Order Sons of Italy promotes the image of Italian Americans through its involvement in community, charitable, educational, cultural, social youth and civic activities; and

WHEREAS, the National Council of the Order Sons of Italy in America in partnership with the Alzheimer's Association has adopted Alzheimer's Disease as one of its primary charities; and

WHEREAS, the Order Sons of Italy in America will hold a "coin drop" campaign throughout the State and local chapters across the nation on June 10th, 2000, to help 2.5 million people affected by Alzheimer's Disease;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 10, 2000, as ORDER SONS OF ITALY/ALZHEIMER'S ASSOCIATION "PARTNERS IN PROGRESS" DAY in Illinois.

Issued by the Governor June 7, 2000.
Filed by the Secretary of State June 12, 2000.

2000-302

PHILIPPINE 102 YEARS OF INDEPENDENCE DAY

WHEREAS, the Filipino American community in Illinois is celebrating a

milestone in the history of the Philippines; and

WHEREAS, the Filipino American community is sharing with people from all over the world the celebration of 102 years of Philippine Independence from colonial rule; and

WHEREAS, the commemoration of 102 years of freedom demonstrates the strength and consensus of the people and the energy of the Filipino spirit; and

WHEREAS, the achievements of Filipino Americans have contributed to our nation's social, economic and political progress;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 12, 2000, as PHILIPPINE 102 YEARS OF INDEPENDENCE DAY in Illinois.

Issued by the Governor June 7, 2000.

Filed by the Secretary of State June 12, 2000.

2000-303

U.S. GRANT FAMILY REUNION DAYS

WHEREAS, the city that propelled a leather clerk to the Civil War and the Presidency will host a reunion of Ulysses S. Grant descendants; and

WHEREAS, Galena will welcome 30 members of the Ulysses S. Grant family the weekend of June 9-11 for a family reunion amid the historic buildings where Grant lived and worked; and

WHEREAS, State Senator Todd Sieben, State Representative Ron Lawfer and Galena Mayor Dick Auman will host a barbecue for the Grant family on the Grant Home lawn on Friday evening; and

WHEREAS, "On August 19, 1865, General Grant returned to Galena", stated Terry Miller, Manager for the U.S. Grant Historic Sites. "Upon arrival he was met at the train station by 10,000 people. The town's population is now 3,600 and the mode of transportation will be different, but Galena will certainly welcome General Grant's descendants as exuberantly as our ancestors did 135 years ago;" and

WHEREAS, the three-day reunion will feature a public reception and dessert buffet from 8 to 10 p.m. on Saturday, June 10th at the DeSoto House Hotel Ballroom;

June 9, 2000, as U.S. GRANT FAMILY REUNION DAYS in Illinois.
Issued by the Governor June 7, 2000.

Filed by the Secretary of State June 12, 2000.

Rules acted upon during the calendar quarter from Issue 17 through Issue 29 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "P" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or inlabe@ogate.sos.state.il.us on the Internet.

PROPOSED	
2-568-18	83-460-20
2-569-20	83-761-23
2-570-20	83-762-23
2-571-20	83-763-23
2-572-20	83-764-23
11-510-19	83-765-23
11-510-20	86-100-18
11-519-20	86-130-21,22
11-1413-19	86-130-21
11-1770-26	86-151-19
14-110-22	86-420-21
14-510-18	86-445-21
14-525-27	86-495-21
14-526-27	86-500-19
14-527-27	86-501-19
14-528-27	86-502-19
17-110-19	89-171-18
17-130-24	89-121-25
17-530-20	89-140-27
17-590-19	89-148-27
35-110-22	89-301-17
35-275-23	89-331-26
35-307-22	89-511-27
35-325-17	89-530-27
35-611-27	89-590-18
35-612-27	89-591-18
35-613-27	89-592-18
44-1000-18	92-460-17
50-202-21	92-122-17
50-202-21	92-123-17
50-1407-25	92-1040-25
50-2020-23	92-1060-25
56-350-21	95-102-17
56-2650-27	95-106-27
59-101-27	95-110-22
59-103-27	95-117-24
59-104-27	95-118-24
59-209-27	95-119-20
68-1075-25	ADOPTED
68-1150-17	2-560-18
68-1220-17	2-1200-19,23
68-1270-16	2-5375-27
68-1350-25	2-5376-27
68-1380-17	4-300-21
68-1480-17	8-125-20
74-280-27	8-250-20
74-281-27	8-251-20
77-515-26	11-321-20
77-1116-26	11-510-20
77-1130-20	11-1312-20
77-1190-20	11-1413-20
77-2030-27	14-130-20
77-2075-25	14-527-19
77-2200-22	17-510-27
77-3106-25	17-590-27
77-3107-25	17-591-27
80-310-24	83-160-23
80-331-22	17-590-27
83-200-23	17-680-27
83-727-26	17-690-27
77-250-17	89-530-27
77-515-26,27	89-590-18
77-516-27	89-591-18
77-517-27	89-592-18
77-702-21	80-310-19,24
80-1540-19	80-310-19,24
80-2800-22	80-310-19,24
80-3000-22	80-310-19,24
86-105-17	86-105-17
86-120-26	86-120-26
86-140-24	86-140-24
86-141-24	86-141-24
86-220-24	86-220-24
86-310-24	86-310-24
86-380-24	86-380-24
86-395-24	86-395-24
86-420-24	86-420-24
86-432-24	86-432-24
86-500-19	86-500-19
86-470-24	86-470-24
86-480-24	86-480-24
86-481-24	86-481-24
86-482-24	86-482-24
86-700-25	86-700-25
89-10-23	89-10-23
89-120-20	89-120-20
89-146-25	89-146-25
89-300-22	89-300-22
89-336-22	89-336-22
89-340-26	89-340-26
89-356-22	89-356-22
89-357-26	89-357-26
89-729-17	89-729-17
89-482-22	89-482-22
89-486-21	89-486-21
89-830-27	89-830-27
92-1000-19	92-1000-19
92-1030-19	92-1030-19
EMERGENCY	EMERGENCY
14-510-18	14-510-18
35-611-27	35-611-27
35-612-27	35-612-27
50-202-21	50-202-21
59-101-27	59-101-27
59-103-27	59-103-27
59-509-27	59-509-27
68-1283-20	68-1283-20
68-1285-25	68-1285-25
68-1330-26	68-1330-26
83-761-23	83-761-23
83-762-23	83-762-23
83-763-23	83-763-23
83-764-23	83-764-23
83-765-23	83-765-23
83-766-23	83-766-23
83-767-23	83-767-23
83-768-23	83-768-23
83-769-23	83-769-23
83-770-23	83-770-23
83-771-23	83-771-23
83-772-23	83-772-23
83-773-23	83-773-23
83-774-23	83-774-23
83-775-23	83-775-23
83-776-23	83-776-23
83-777-23	83-777-23
83-778-23	83-778-23
83-779-23	83-779-23
83-780-23	83-780-23
83-781-23	83-781-23
83-782-23	83-782-23
83-783-23	83-783-23
83-784-23	83-784-23
83-785-23	83-785-23
83-786-23	83-786-23
83-787-23	83-787-23
83-788-23	83-788-23
83-789-23	83-789-23
83-790-23	83-790-23
83-791-23	83-791-23
83-792-23	83-792-23
83-793-23	83-793-23
83-794-23	83-794-23
83-795-23	83-795-23
83-796-23	83-796-23
83-797-23	83-797-23
83-798-23	83-798-23
83-799-23	83-799-23
83-800-23	83-800-23
83-801-23	83-801-23
83-802-23	83-802-23
83-803-23	83-803-23
83-804-23	83-804-23
83-805-23	83-805-23
83-806-23	83-806-23
83-807-23	83-807-23
83-808-23	83-808-23
83-809-23	83-809-23
83-810-23	83-810-23
83-811-23	83-811-23
83-812-23	83-812-23
83-813-23	83-813-23
83-814-23	83-814-23
83-815-23	83-815-23
83-816-23	83-816-23
83-817-23	83-817-23
83-818-23	83-818-23
83-819-23	83-819-23
83-820-23	83-820-23
83-821-23	83-821-23
83-822-23	83-822-23
83-823-23	83-823-23
83-824-23	83-824-23
83-825-23	83-825-23
83-826-23	83-826-23
83-827-23	83-827-23
83-828-23	83-828-23
83-829-23	83-829-23
83-830-23	83-830-23
83-831-23	83-831-23
83-832-23	83-832-23
83-833-23	83-833-23
83-834-23	83-834-23
83-835-23	83-835-23
83-836-23	83-836-23
83-837-23	83-837-23
83-838-23	83-838-23
83-839-23	83-839-23
83-840-23	83-840-23
83-841-23	83-841-23
83-842-23	83-842-23
83-843-23	83-843-23
83-844-23	83-844-23
83-845-23	83-845-23
83-846-23	83-846-23
83-847-23	83-847-23
83-848-23	83-848-23
83-849-23	83-849-23
83-850-23	83-850-23
83-851-23	83-851-23
83-852-23	83-852-23
83-853-23	83-853-23
83-854-23	83-854-23
83-855-23	83-855-23
83-856-23	83-856-23
83-857-23	83-857-23
83-858-23	83-858-23
83-859-23	83-859-23
83-860-23	83-860-23
83-861-23	83-861-23
83-862-23	83-862-23
83-863-23	83-863-23
83-864-23	83-864-23
83-865-23	83-865-23
83-866-23	83-866-23
83-867-23	83-867-23
83-868-23	83-868-23
83-869-23	83-869-23
83-870-23	83-870-23
83-871-23	83-871-23
83-872-23	83-872-23
83-873-23	83-873-23
83-874-23	83-874-23
83-875-23	83-875-23
83-876-23	83-876-23
83-877-23	83-877-23
83-878-23	83-878-23
83-879-23	83-879-23
83-880-23	83-880-23
83-881-23	83-881-23
83-882-23	83-882-23
83-883-23	83-883-23
83-884-23	83-884-23
83-885-23	83-885-23
83-886-23	83-886-23
83-887-23	83-887-23
83-888-23	83-888-23
83-889-23	83-889-23
83-890-23	83-890-23
83-891-23	83-891-23
83-892-23	83-892-23
83-893-23	83-893-23
83-894-23	83-894-23
83-895-23	83-895-23
83-896-23	83-896-23
83-897-23	83-897-23
83-898-23	83-898-23
83-899-23	83-899-23
83-900-23	83-900-23
83-901-23	83-901-23
83-902-23	83-902-23
83-903-23	83-903-23
83-904-23	83-904-23
83-905-23	83-905-23
83-906-23	83-906-23
83-907-23	83-907-23
83-908-23	83-908-23
83-909-23	83-909-23
83-910-23	83-910-23
83-911-23	83-911-23
83-912-23	83-912-23
83-913-23	83-913-23
83-914-23	83-914-23
83-915-23	83-915-23
83-916-23	83-916-23
83-917-23	83-917-23
83-918-23	83-918-23
83-919-23	83-919-23
83-920-23	83-920-23
83-921-23	83-921-23
83-922-23	83-922-23
83-923-23	83-923-23
83-924-23	83-924-23
83-925-23	83-925-23
83-926-23	83-926-23
83-927-23	83-927-23
83-928-23	83-928-23
83-929-23	83-929-23
83-930-23	83-930-23
83-931-23	83-931-23
83-932-23	83-932-23
83-933-23	83-933-23
83-934-23	83-934-23
83-935-23	83-935-23
83-936-23	83-936-23
83-937-23	83-937-23
83-938-23	83-938-23
83-939-23	83-939-23
83-940-23	83-940-23
83-941-23	83-941-23
83-942-23	83-942-23
83-943-23	83-943-23
83-944-23	83-944-23
83-945-23	83-945-23
83-946-23	83-946-23
83-947-23	83-947-23
83-948-23	83-948-23
83-949-23	83-949-23
83-950-23	83-950-23
83-951-23	83-951-23
83-952-23	83-952-23
83-953-23	83-953-23
83-954-23	83-954-23
83-955-23	83-955-23
83-956-23	83-956-23
83-957-23	83-957-23
83-958-23	83-958-23
83-959-23	83-959-23
83-960-23	83-960-23
83-961-23	83-961-23
83-962-23	83-962-23
83-963-23	83-963-23
83-964-23	83-964-23
83-965-23	83-965-23
83-966-23	83-966-23
83-967-23	83-967-23
83-968-23	83-968-23
83-969-23	83-969-23
83-970-23	83-970-23
83-971-23	83-971-23
83-972-23	83-972-23
83-973-23	83-973-23
83-974-23	83-974-23
83-975-23	83-975-23
83-976-23	83-976-23
83-977-23	83-977-23
83-978-23	83-978-23
83-979-23	83-979-23
83-980-23	83-980-23
83-981-23	83-981-23
83-982-23	83-982-23
83-983-23	83-983-23
83-984-23	83-984-23
83-985-23	83-985-23
83-986-23	83-986-23
83-987-23	83-987-23
83-988-23	83-988-23
83-989-23	83-989-23
83-990-23	83-990-23
83-991-23	83-991-23
83-992-23	83-992-23
83-993-23	83-993-23
83-994-23	83-994-23
83-995-23	83-995-23
83-996-23	83-996-23
83-997-23	83-997-23
83-998-23	83-998-23
83-999-23	83-999-23
84-000-23	84-000-23

Visit our website

<http://www.sos.sos.state.il.us>

**Illinois Register
Illinois Administrative Code
Order Form**

<input type="checkbox"/>	Subscription to the Illinois Register (52 issues)	\$290 annually
	New <input type="checkbox"/> Renewal <input type="checkbox"/>	
<input type="checkbox"/>	Subscription to the Administrative Code on CD-ROM (4 updates)	\$290 annually
	New <input type="checkbox"/> Renewal <input type="checkbox"/>	
<input type="checkbox"/>	Microfiche sets of Illinois Register 1977 through 1998	\$ 200 per set
	Specify Year(s) _____	
<input type="checkbox"/>	Back Issue of the Illinois Register (Current Year Only)	\$ 10 each
	Volume# _____ Issue# _____ Date: _____	
<input type="checkbox"/>	Cumulative/Sections Affected Indices 1990-1999	\$ 5 each
	Specify Year(s) _____	
<input type="checkbox"/>	Cumulative Indices to Illinois Register 1981-1989	\$ 1 each
	Specify Year(s) _____	
<input type="checkbox"/>	Sections Affected Indices to Illinois Register 1984-1989	\$ 1 each
	Specify Year(s) _____	

PREPAYMENT IS REQUIRED

Make Checks payable to: **Secretary of State**

Send Payment to: Index Department

111 E. Monroe

Springfield, IL 62756

Fax order to: 217-524-0930

TOTAL AMOUNT OF ORDER

\$

☐ Check ☐ VISA ☐ Master Card ☐ Discover, Card #:

(There is a \$1.50 processing fee for credit card purchases.)

Expiration Date: _____ Signature: _____

Name: _____

Address: _____

City, State, Zip Code: _____

Phone: _____ Fax: _____ Email: _____

Published by Jesse White Secretary of State

HECKMAN

B I N D E R Y, I N C.
Bound-To-Please®

APRIL 01

N. MANCHESTER, INDIANA 46962

